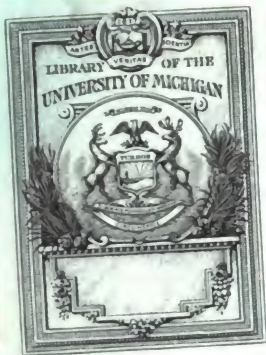


# Indiana and Indianans

Jacob Piatt Dunn,  
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Harrison Kemper

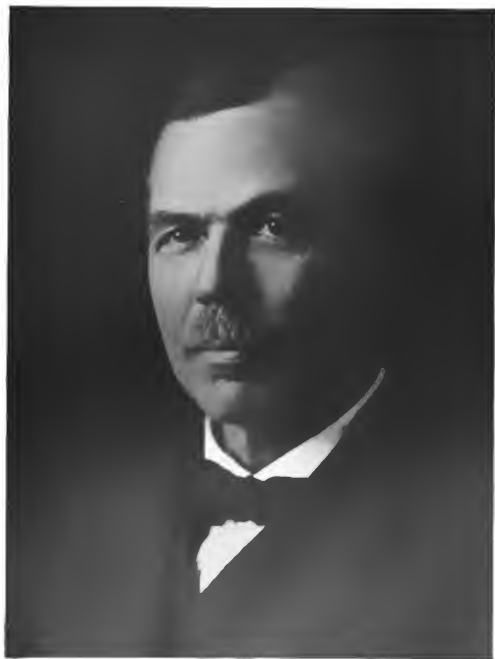






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*J. P. Dunn.*



# INDIANA AND INDIANANS

A HISTORY OF ABORIGINAL AND TERRITORIAL  
INDIANA AND THE CENTURY OF  
STATEHOOD

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JACOB PIATT DUNN  
AUTHOR AND EDITOR

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VOLUME I

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## INTRODUCTORY

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The past thirty years, beginning with the reorganization of the Indiana Historical Society in 1886, constitute an epoch in historical work in Indiana. In part this has been only a local feature of the general awakening of interest in American history, due primarily to passage through the centennial anniversaries of the great events of American beginnings. Independent of that, there has been in Indiana a systematic effort to gather and put in print authentic historical matter that has resulted in five volumes of Publications of the Indiana Historical Society, and twelve volumes of the Indiana Magazine of History—the latter due to the self-sacrificing efforts of Mr. George S. Cottman,—in addition to numerous volumes by individual authors. In this period the State University and several colleges have taken up special research work in history in their courses of study, and the public has profited by the publication of a number of papers of this origin.

But Indiana history has also been the beneficiary of much of the research of historical societies in her sister states, and especially those included in old Northwest Territory. A single illustration will show the importance of this. When I published my "Indiana, a Redemption from Slavery", in 1888, I thought I had got to the bottom of the local slavery history; but in the last dozen years, the fact has been developed, in Illinois, that Thomas Jefferson had his hand on the opposition to slavery all through our territorial history; and, what is more surprising, his touch with the movement was through Baptist churches, whose connection with the movement had not even been noticed. It is a matter of gratification to be able to present this phase of the matter, and give the credit where it belongs, in the present publication. The bringing to light of this and many other material facts not only justifies the rewriting of Indiana history, but justifies the statement that we have only now reached the point when the earliest history of Indiana can be written authoritatively. In these regards, the succeeding pages will speak for themselves.

J. P. DUNN.

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# Indiana and Indianans

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## CHAPTER I

### THE PREHISTORIC HOOSIER

"Marley was dead to begin with", and so were the Mound Builders of Indiana; but unhappily these left no such adequate and satisfactory records as there were in Marley's case. In consequence it has not been possible to organize any society of Sons or Daughters of the Mound Builders because of the dearth of genealogical material. It is generally assumed that all of the prehistoric men of this region were Mound Builders, but there is no assurance of this. Indeed, unless it be assumed that they were fighting among themselves, it is certain that they had hostile contemporaries, for their extensive fortifications show a state of "preparedness" that is inconsistent with anything but a well-grounded fear of attack.

Their mounds, or earth works, have been divided by some authorities into four classes, viz. 1, Defensive mounds; 2, Observation or Signal mounds; 3, Temple or Religious mounds; and 4, Burial mounds. Of these the last named are by far the most numerous; and the first named are the more impressive. All four classes are found in Indiana, and some of the more remarkable ones are worthy of detailed description. One of the most notable is known as Fort Aztlan, near Merom. It was so named by Prof. John Collett, the Indiana geologist, from *Aztlan*, the legendary place of origin of the Aztecs. In 1871, Mr. Frederic Ward Putnam, the noted anthropologist, in company with Prof. Cox, then State Geologist of Indiana, Prof. Collett, and others, examined this work, and Mr. Putnam said of it:

"The fort is situated on a plateau of loess, about one hundred and seventy feet in height above low water, on the east bank of the river.

On the river side, the bank, which principally consists of an outcrop of sandstone, is very steep, and forms the western line of the fortification, while deep ravines add to its strength on the other sides; the weak points being strengthened by earth works. The general course of the work is from the north, where it is very narrow (not over 50 feet) owing to the formation of the plateau, south along the river bank about 725 feet to its widest portion (at H) which is here about 375 feet east and west. From this point it follows a deep ravine southerly about 460 feet to the entrance end of the fort. The bank traversed by the entrance road is here much wider than at other portions, and along its outer wall, running eastward, are the remains of what was evidently once a deep ditch. The outer wall (A, B) is about 30 feet wide and is now about 1½ feet high; a depressed portion of the bank, or walk way, then runs parallel with the outerwall, and the bank (C, D) is then continued for about 20 feet further into the fort, but of slightly less height than the front. Through the center of these banks there are the remains of a distinct roadway about ten feet in width.

"From the northeastern corner of this wide wall the line continues northwesterly about 350 feet along the eastern ravine to a point where there is a spring, and the ravine makes an indenture of nearly 100 feet to the southwest. The mouth of the indenture is about 75 feet in width and the work is here strengthened by a double embankment (E, F). The natural line of the work follows this indenture and then continues in about the same northerly course along the banks of the ravine to the narrow portion of the plateau about 550 feet to the starting point. There is thus a continued line, in part natural and in part artificial, which if measured in all its little ins and outs would not be far from 2,450 feet.

"Besides the spring mentioned as in the indenture of the eastern ravine, there is another spring in the same ravine about 175 feet to the north of the first, and a third in the southwestern ravine about 125 feet to the west of the southwestern corner of the work.

"Looking at all the natural advantages offered by this location, it is the one spot of the region, for several miles along the river, that would be selected today for the erection of a fortification in the vicinity, with the addition of the possession of a small eminence to the north, which in these days of artillery would command the fort. Having this view in mind a careful examination was made of this eminence mentioned, to see if there had ever been an opposing or protective work there, but not the slightest indication of earthwork fortification or of mounds of habitation was discovered.

"The interior of this fortification contains much of interest. On crossing the outer wall a few low mounds are at once noticed, and all around are seen large circular depressions. At the southern portion of



FORT AZATLAN, NEAR MEROM, IND.

the fort these depressions, of which there are forty-five in all, are most numerous, thirty-seven of them being located south of a line drawn from E on the northern side of the indenture of the eastern ravine to the projecting extreme western point of the fort at H.

"These depressions vary in width from ten to twenty-five or thirty feet, and are irregularly arranged, as shown by the accompanying en-

graving, where they are represented by the black circles. One of the six depressions opposite the indenture of the eastern ravine is oval in shape, and is the only one that is not nearly circular, the others varying but a foot or two in their diameters.

"Two of these depressions were dug into and it was found that they were evidently once large pits that had gradually been filled by the hand of time with the accumulation of vegetable matter and soil that had been deposited by natural action alone. In some instances large trees are now growing in the pits and their many roots make digging difficult. A trench was dug across one pit (J) throwing out the soil carefully until the former bottom of the pit was reached at a depth of about five feet. On this bottom ashes and burnt clay gave evidence of an ancient fire, and at a few feet on one side several pieces of pottery, a few bones of animals, and one stone arrowhead were found. A spot had evidently been struck where food had been cooked and eaten, and though there was not time to open other pits there is no doubt but that they would tell a similar story, and the legitimate conclusion to be drawn from the facts is that these pits were the houses of the inhabitants or defenders of the fort, who were probably further protected from the elements, and the arrows of assailants, by a roof of logs and bark or boughs. The great number of the pits would show that they were for a definite and general purpose and their irregular arrangement would indicate that they were not laid out with the sole idea of acting as places of defence, though those near the walls of the fort might answer as covers from which to fire on an opposing force beyond the walls, and the six pits near the eastern indenture, in front of three of which there are traces of two small earth walls, and the two commanding the entrance of the fort, would strengthen this view of the use of those near the embankment.

"In many of the ancient fortifications that have been described by Mr. Squier and others, pits have been noticed, but they have been only very few in number and have been considered as places for the storage of food and water. The great number in this small earthwork, with the finding that one at least was used for the purpose of cooking and eating food, is evidence that they were used for some other purpose here, though some of the smaller ones may have answered for store-houses.

"The five small mounds were situated in various parts of the enclosure. The largest (G) was nearly fifty feet in diameter and was probably originally not over ten feet in height. It had been very nearly dug away in places, but about one-fifth of the lower portion had



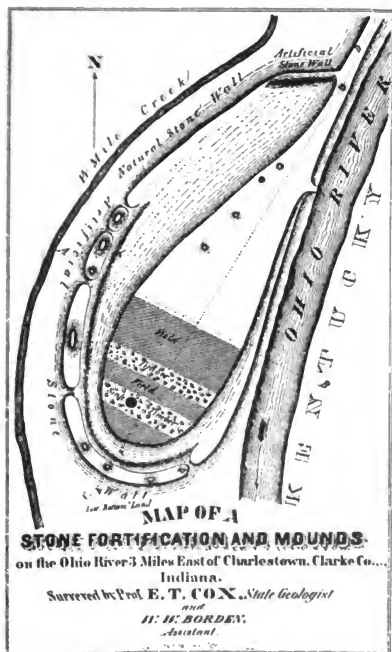
not been disturbed. From this was exhumed one nearly perfect human skeleton and parts of several others that had been left by former excavators. This mound also contained several bones of animals, principally of deer, bear, opossum and turtles; fragments of pottery, one arrowhead, a few flint chips, and a number of thick shells of unios two of which had been bored near the hinge. This mound has yielded a number of human bones to the industry of Dr. H. Frank Harper.

"The second mound (I) which was partly opened, was some twenty-five feet in diameter and a few feet in height, though probably once much higher. In this a number of bones of deer and other animals were found, several pieces of pottery, a number of shells and a few human bones. The other three mounds, one of which is not over ten or twelve feet in diameter and situated the furthest to the north, were not examined internally.

"The position of all the mounds within the enclosure, which are indicated by the white circles on the cut, is such as to suggest that they were used as observatories, and it may yet be questioned if the human and other remains found in them were placed there by the occupants of the fort, or are to be considered under the head of intrusive burials by a later race. Perhaps a further study of the bones may settle the point. That two races have buried their dead within the enclosure is made probable by the finding of an entirely different class of burials at the extreme western point of the fortification, indicated on the engraving by the three quadrangular figures at H. At this point Dr. Harper, the year previous, had discovered three stone graves, in which he found portions of the skeletons of two adults and one child. These graves, the stones of one being still in place, were found to be made by placing thin slabs of stone on end, forming the sides and ends, the top being covered by other slabs, making a rough stone coffin in which the bodies had been placed. There was no indication of any mound having been erected, and they were placed slightly on the slope of the bank. This kind of burial is so distinct from that of the burials in the mound that it is possible that the acts may be referred to two distinct races who have occupied the territory successively, though they may prove to be of the same time and simply indicate a special mode adopted for a distinctive purpose."<sup>1</sup>

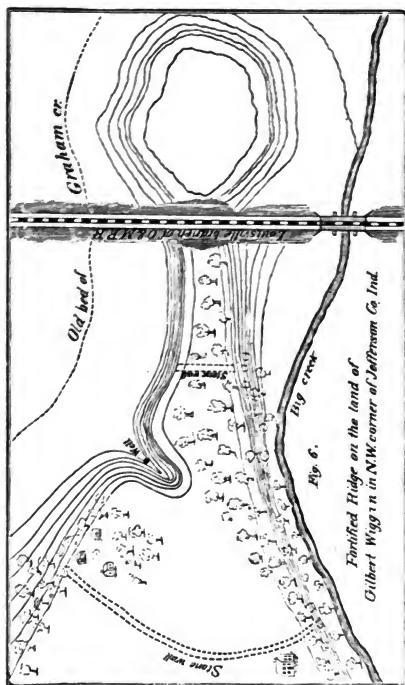
Even more striking is the "stone fort" in Clark County. Prof. E. T. Cox, who, after surveying it, pronounced it "one of the most remarkable stone fortifications which has ever come under my notice", gave the following description of it:

<sup>1</sup> Bulletin of Essex Institute, Vol. 3, No. 2, November, 1871.



"The locality selected for this fort presents many natural advantages for making it impregnable to the opposing forces of pre-historic times. It occupies the point of an elevated narrow ridge which faces the Ohio river on the east, and is bordered by Fourteen Mile Creek on the west side. This creek empties into the Ohio a short distance below the fort. The top of the ridge is pear shape, with the part answering to the neck at the north end. This part is not over twenty feet wide and is protected by precipitous natural walls of stone. It is two hundred and eighty feet above the level of the Ohio, and the slope is very gradual to the south. At the upper field it is two hundred and forty feet high and one hundred steps wide. At the lower timber it is one hundred and twenty feet high. The bottom land at the foot of the south end is sixty feet above the river. Along the greater part of the Ohio river front there is an abrupt escarpment of rock entirely too steep to be scaled, and a similar natural barrier exists along a portion of the north west side of the ridge facing the creek. This natural wall is joined to the neck by an artificial wall made by piling up, mason fashion, but without mortar, loose stone, which had evidently been pried up from the corniferous layers at the point marked D. This made wall at this point is about one hundred and fifty feet long. It is built along the slope of the hill and had an elevation of about seventy-five feet above its base, the upper ten feet being vertical. The inside of the wall is protected by a ditch. The remainder of the hill is protected by an artificial stone wall built in the same manner but not more than ten feet high. The elevation of the side wall above the creek bottom is eighty feet. Within the artificial walls are a string of mounds which rise to the height of the wall and are protected from the washing from the hill sides by a ditch twenty feet wide and four feet deep. The position of the artificial walls, natural cliffs of bedded stone, as well as that of the ditch and mounds will be better understood by a reference to the accompanying map.

"The top of the enclosed ridge embraces ten or twelve acres, and there are as many as five mounds that can be recognized on the flat surface, while no doubt many others existed which have been obliterated by time and through the agency of man in his efforts to cultivate a portion of the ground. A trench was cut into one of these mounds in search of relics. A few fragments of charcoal and decomposed bones and a large, irregular diamond-shaped boulder, with a small circular indentation near the middle of the upper part that was worn quite smooth by the use to which it was put, and a small piece of fossil coral—*favosites goldfussi*—comprised all the articles of note which were re-



STONE FORT IN JEFFERSON COUNTY

vealed by the excavation. The earth of which the mound is made resembles that seen on the side of the hill and was, probably, in most part taken from the ditch. The margin next to the ditch was protected by slabs of stone set on edge and leaning at an angle corresponding to the slope of the mound. This stone shield was two and a half feet wide and one foot high. At intervals along the great ditch there are channels formed between the mounds that probably served to carry off surplus water through openings in the outer wall.

"On the top of the enclosed ridge, and near to the narrowest part (D) there is one mound much larger than any of the others and so situated as to command an extensive view up and down the Ohio River, as well as affording an unobstructed view east and west. There is near this mound a slight break in the cliff of rock which furnished a narrow passage way to the Ohio River. Though the locality afforded many natural advantages for a fort or stronghold, one is compelled to admit that much skill was displayed and labor expended in rendering its defense as perfect as possible at all points. Stone axes, pestles, arrow heads, spear points, totems, charms and flint flakes have been found in great abundance in plowing the field at the foot of the old fort."<sup>2</sup>

There is another stone fort of about the same size as this a little farther up the Ohio valley in Jefferson County. It stands on the bank of Big Creek, eighty feet above the creek bed, and incloses about ten acres. On the north and south sides of this bluff there are steep stone cliffs from sixty to eighty feet in height, which converge at the west side, leaving only a narrow strip there without natural protection. This point is covered by an artificial stone wall similar to those of the preceding fortification; and so is the east side, where the north and south lines are about four hundred feet apart. This long stretch of made wall was originally about ten feet thick at the base, and is so curved as to plainly indicate its defensive purpose.<sup>3</sup> There are some other stone fortifications in Indiana, but they are smaller. One in Jennings County is 75 feet in diameter, and stands on a cliff 75 feet above an adjacent stream.<sup>4</sup>

There are also several stone mounds in the southern part of the State. Two of these, in Clark County, are unique. They are made of flat stones, methodically piled up so as to leave a small opening in the interior, and connecting with these are long, low entrance ways

<sup>2</sup> Ind. Geol. Report, 1873, pp. 126-7.

<sup>3</sup> Ind. Geol. Report, 1874, p. 32.

<sup>4</sup> Ind. Geol. Report, 1875, p. 174.

of stone, arched over, somewhat resembling Eskimo igloos. Some of the people in the vicinity believe that there were underground passages connecting these mounds with a cave near by.<sup>5</sup> The other stone mounds that have been described are solid. Of these three are near the town of Deputy, in Jefferson County. One of them is oval in shape, 135 feet long and 60 feet wide. The other two are much smaller, and so are similar mounds elsewhere, as in Ripley and Scott counties.<sup>6</sup> All of these mounds that have been opened have been found to contain human bones, and usually bones of animals, and other matter. It is hardly questionable that these are burial mounds. Old writers mention this mode of sepulture among the Southern tribes, especially when the dead, for some reason or other, could not be taken to the customary places of burial for interment with the usual rites. Adair says: "In the woods we often see innumerable heaps of small stones in those places where, according to tradition, some of their distinguished people were either killed or buried, till the bones could be gathered: there they add Pelion to Ossa, still increasing each heap, as a lasting monument and honour to them, and an incentive to great actions."<sup>7</sup> Bartram noted "vast heaps of stones", marking the graves of Cherokee warriors who had fallen in a disastrous battle with the whites.<sup>8</sup> Dr. Brickell mentioned at a much earlier date the custom of the Carolina Indians to make such monuments.<sup>9</sup> Mr. Charles C. Jones, the learned Georgia anthropologist, says: "In order to designate the grave of a remarkable warrior, who had fallen in battle, and whose body could not at the time be brought home by his companions, the Cherokees and other nations inhabiting hilly regions were wont to cover the body of the slain with stones collected on the spot. Every passer-by contributed his stone to the pile, until it rose into a marked and permanent memorial of the dead."<sup>10</sup>

In the descriptions of the first two forts above, mention is made of "observation mounds", and it is probable that these were made at other points for defensive purposes. In a report on Ohio and Switzerland counties, Mr. Robert B. Warder says: "Dr. J. W. Baxter, of Vevay, gives me the following account of a series of mounds or signal

<sup>5</sup> Ind. Geol. Report, 1874, p. 29.

<sup>6</sup> See Ind. Geol. Report, 1874, pp. 35, 197-9; 8th Rept. Peabody Mus., Vol. 1, p. 47; Bulletin No. 1, Brookville Soc. of Nat. Hist. (1885) p. 35.

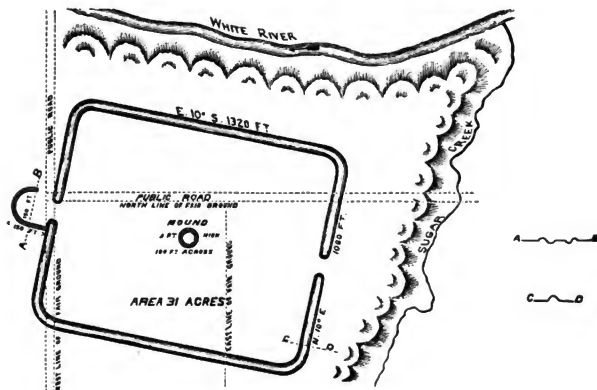
<sup>7</sup> History of the American Indians, p. 184. London, 1775.

<sup>8</sup> Travels through North and South Carolina, etc., p. 346. London, 1792.

<sup>9</sup> Natural History of North Carolina, p. 380. Dublin, 1737.

<sup>10</sup> Antiquities of the Southern Indians, p. 201. N. Y. 1873.

stations, occupying prominent points along the Ohio river, and so located that each may be seen from the next above and below. These command nearly the whole bottom. From the station below Patriot the observer may look across Gallatin County, Kentucky, and the valley of Eagle creek to the height of land in Owen County. Both this mound and one near Rising Sun exhibit traces of fires that were doubtless used as telegraphic signals by the Mound Builders. The mounds at the



EARTH MOUNDS IN RANDOLPH COUNTY

following places form a complete series, though others may have been used when the country was timbered: Rising Sun; near Gunpowder creek, Kentucky; the Dibble farm, two miles south of Patriot; the "North Hill", below Warsaw, Kentucky; the Taylor farm, below Log Lick creek; opposite Carrollton, Kentucky; below Carrollton. A greater number of wild grapes, plums, crabapples and onions are found near the mounds than elsewhere."<sup>11</sup>

<sup>11</sup> Ind. Geol. Report, 1872, p. 413.

In addition to the stone forts, there are several earth works whose defensive character is obvious. The most extensive of these is on White River in Randolph County, and is described by Prof. Cox as follows: "The largest walled enclosure in the State is situated near the town of Winchester, in Randolph County. It is figured in Squier and Davis' *Antiquities of the Mississippi Valley*, but as that plat was inaccurately made it is reproduced here from actual measurements made by Dr. G. M. Levette. It contains thirty-one acres, and a good portion of it lies within the boundary of the Randolph County fair ground, the remaining portion, with the exception of the public road-way on the west end, lies in cultivated fields, so that the whole work is in a fair way to be obliterated. There are two gateways, one on the eastern end, twelve feet wide, and has no defenses, Sugar Creek and the intervening bluff probably being deemed sufficient; but at the west end there is an embankment in the shape of a half circle which overlaps the gate and complicates the passage-way. The enclosure is in the shape of a parallelogram with curved angles; the sides are 1,320 feet long, and the ends 1,080 feet. There is a mound in the centre 100 feet in diameter and nine feet high. When the horses are trotting, at fair times, this mound is covered with spectators, as it commands a view of the entire track. I once had the pleasure of witnessing a spirited trot from the top of this mound. The walls of the enclosure are from eight to nine feet high where they have not been disturbed by the plow. A cross section of the half-circle at the west gate is shown on the plate; it has a slight ditch on the inside; also a cross section of the main wall, which has no fosse. You will perceive that the location for this large and remarkable work was selected with due regard to protection against the sudden attack of an enemy. It is at the junction of Sugar Creek and White River, which affords protection on two sides, and the mound in the centre served as a look-out station."<sup>12</sup>

I am inclined to doubt the conclusion of Prof. Cox as to the purpose of the mound, as its elevation would make it no higher than the walls, and there is no indication that it was higher originally. I think it more probable that this was a walled town, and that the mound was for the residence of the chief, or cacique, and the temple; but that is a matter of conjecture, based on facts which will appear later. The fact that no large quantity of Mound Builder relics and refuse have been found in the immediate vicinity of so large an establishment, whether a town or merely a fort, would indicate that it was not occupied for a great length of time.

<sup>12</sup> Ind. Geol. Report, 1878, p. 134.



Near Vincennes, in Knox County, there are three large works of a different character, which were described by Prof. Collett. It is necessary to remember that he was a believer that the Mound Builders were the ancestors of the Aztecs, and that he was one of those enthusiastic scientists to whom a plausible theory assumed the character of a demonstrated fact, in order to appreciate the assurance of the following description: "Temple Mounds.—This region was well to the center of the Mound Building Nation. Remote from the dangers incident to a more exposed situation and encircled by a bulwark of loving hearts—forts, walled enclosures, and citadels were unnecessary, and not erected as it exposed points on their frontier. Perhaps the seat of a Royal Priesthood, their efforts essayed to build a series of temples which constituted at once capitol and holy city—The Heliopolis of the West. Three sacred mounds thrown upon or against the sides of the second terrace or bluff east and southeast of Vincennes are the result, and in size, symmetry and grandeur of aspect, rival if not excel any prehistoric remains in the United States. All three are truncated cones or pyramidal; and without doubt, erected designedly for sacred purposes, the flat area on the summit was reserved for an Oratory and Altar as in the Teocalli of Mexico.

"The Pyramid, one mile south of Vincennes, is placed on a slightly elevated terrace surrounded by a cluster of small mounds. It is oblong, with extreme diameter from east to west at the base of three hundred feet, one hundred and fifty feet wide, and is forty-seven feet high. The level area on the summit fifteen by fifty feet is crowded with intrusive burials of a later race.

"The Sugar Loaf Mound on Mr. Fay's land, just east of the city line, is built against and upon the side of the bluff, but stands out in bold relief with sharply inclined sides. Diameter from east to west two hundred and sixteen feet, from north to south one hundred and eighty feet, and towering aloft one hundred and forty feet above Vincennes Plain, it commands by twenty-seven feet the high plateau to the east. Area on top sixteen by twenty-five feet. The following section was developed by sinking a shaft centrally from the top:

## STRUCTURE OF SUGAR LOAF MOUND

Loess sand .....	10 ft. 00 in.
Ashes, charcoal and bones.....	10 in.
Loess sand .....	17 ft. 00 in.
Ashes, charcoal and bones.....	10 in.
Loess sand .....	9 ft. 00 in.
Ashes, charcoal and bones.....	2 ft. 00 in.
Red altar clays, burned.....	3 ft. 00 in.
<hr/>	
	42 ft. 8 in.

"This shaft closely approached or actually reached the former surface of the hill. It settles decisively the artificial origin of the mound, and indicates a temple three stories high.

"The Terraced Mound on Burnett's land, one mile E. N. E. of Vincennes court house, has an east and west diameter of three hundred and sixty-six feet, from north to south two hundred and eighty-two feet, and rises to an elevation of sixty-seven feet above the plain, with a level area on top ten by fifty feet. A winding roadway from the east furnished the votaries of the sun easy access to the summit."

Prof. Collett seems to have been under the impression that the Aztecs burned their human sacrifices on the summits of their *teocallis*, but this is not the case. The victims heart was cut out, and consumed in a censer before the idol, but his body was taken away to be eaten. Whoever made the Sugar Loaf Mound, it can hardly be considered a sacrificial mound. That would involve the supposition that they began sacrificing when it was only three feet high, and immolated such a number of victims as to make a deposit of ashes, charcoal and bones two feet deep; that on this they put nine feet of soil, and then immolated to the extent of ten inches more of ashes; then seventeen feet more of earth, followed by ten inches of sacrificial remains; and finally a covering of ten feet of earth. You must also suppose the sacrificial priests wading around in these layers of ashes until the deposits attained the thickness named. The tax on imagination is too great. Some more plausible explanation is needed, and one will be suggested further on. It may be mentioned here, however, that the Aztec temples had on their tops huge stone idols, which could not well be removed from the vicinity, or concealed; and nothing of that sort has ever been found in Indiana.

It is also due to Prof. Cox to say that he was also a doubter. In fact his scientific training at New Harmony made him so cautious that he said that all efforts to define the purposes of the mounds, "beyond

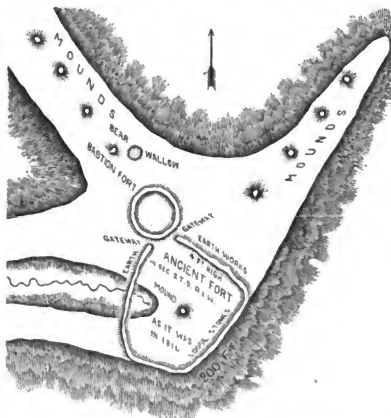
the fact substantiated by exploration, that some of the mounds were used as sepulchers for the dead, is, in my opinion sheer guesswork." In 1877 Prof. Cox delivered an address on Archaeology before a newly organized State Archaeological Society. In this he refers to Prof. Collett's report, quoted above, in which the Knox County mounds had been classified as "mounds of habitation, sepulchral and temple mounds", and said: "Archaeologists have, as I think, without due consideration, classified the mounds into altar and sacrificial mounds, sepulchral or burial mounds, lookout mounds and mounds of habitation. When we dig into a mound and find that it contains human bones, it may then with propriety be called a sepulchral or burial mound. But to speak of others as altar mounds or mounds of worship, mounds of habitation or lookout mounds, is assigning to them a purpose which can not be sustained unless fortified by some better proof than the mythical writings of Spanish historians. It is a common occurrence to find in mounds some ashes and charcoal mixed with human bones, and for this reason the builders have been accused of cremating their dead. So far I have not been able to find any charred human bones, though charred wood and charcoal are of common occurrence. A few fragments of charred bones are reported by Squier and Davis in their so-called sacrificial mounds at Mound City, Ohio. My own opinion is that mounds were simply erected as burial places for the bones of dead chiefs or other persons high in authority. The bones were sprinkled over with ashes and, finally, with earth. Where ashes and charcoal are found in mounds, but no bones, it is possible that the latter disappeared from decay. Charcoal, as is well known, is the most durable of all known substances."<sup>13</sup>

The opinion of Prof. Cox is the same as that of the Indians of the Ohio Valley, when the whites came in contact with them. None of them pretended to any knowledge of the origin of these mounds, but regarded them as burial places of past generations. All the Indians I have talked with on the subject regard the exploration of the mounds by the whites as desecration. The Indians never disturbed them except to make additional burials. This, and the fact that burial mounds were the only kind reached by the early missionaries of this region, furnishes the explanation of the remarkable lack of mention of mounds in the early French chronicles of the Northwest. The earliest notice of any in this region that I have ever found is in the Travels of Jonathan Carver, in 1768,<sup>14</sup> as follows:

<sup>13</sup> Ind. Geol. Report, 1878, p. 149.

<sup>14</sup> London, 1779, p. 56.

"One day having landed on the shore of the Mississippi, some miles below Lake Pepin, whilst my attendants were preparing my dinner, I walked out to take a view of the adjacent country. I had not proceeded far before I came to a fine, level, open plain, on which I perceived at a little distance a partial elevation that had the appearance of an intrenchment. On a nearer inspection I had greater reason to suppose that it had really been intended for this many centuries ago.



WORKS ON HILL NORTH OF HARDINSBURG, DEARBORN COUNTY

Notwithstanding it was now covered with grass, I could plainly discern that it had once been a breast-work of about four feet in height, extending the best part of a mile, and sufficiently capacious to cover five thousand men. Its form was somewhat circular, and its flanks reached to the river. Though much defaced by time, every angle was distinguishable, and appeared as regular, and fashioned with as much military skill as if planned by Vauban himself. The ditch was not visible, but I thought on examining more curiously, that I could perceive there certainly had been one. From its situation also, I am convinced that

it must have been designed for this purpose. It fronted the country, and the rear was covered by the river; nor was there any rising ground for a considerable way that commanded it; a few straggling oaks were alone to be seen near it. In many places small tracks were worn across it by the feet of the elks and deer, and from the depth of the bed of earth by which it was covered, I was able to draw certain conclusions of its great antiquity. I examined all the angles and every part with great attention, and have often blamed myself since for not encamping on the spot and drawing an exact plan of it. To show that this description is not the offspring of a heated imagination, or the chimerical talk of a mistaken traveler, I find on enquiry since my return, that Mons. St. Pierre and several traders have, at different times, taken notice of similar appearances, on which they have formed the same conjectures, but without examining them so minutely as I did. How a work of this kind could exist in a country that has hitherto (according to the general received opinion) been the seat of war to untutored Indians alone, whose whole stock of military knowledge has only, till within two centuries, amounted to drawing the bow, and whose only breast-work even at present is the thicket, I know not. I have given as exact an account as possible of this singular appearance, and leave to future explorers of these distant regions to discover whether it is a production of nature or art. Perhaps the hints I have here given might lead to a more perfect investigation of it, and give us very different ideas of the ancient state of realms that we at present believe to have been from the earliest period only the habitations of savages."

Carver was a well read man, and of an inquiring mind. His statement demonstrates the prevailing ignorance of such mounds at that time, and this ignorance was natural. It will be noted that his discovery was in a prairie, where he could view the entire work from one point. At that time most of the great works of the Ohio Valley were covered by dense forests, the trees on the mounds not differing from the surrounding trees. A person going through the woods at that time might cross such a fortification as that in Randolph County, and never dream that he had crossed anything more than two small natural ridges. It was not until the Americans began the settlement and survey of this region that the remains of the Mound Builders began to be known; and among the first to attract attention were those at Cincinnati. It has been stated that "the eminent naturalist, C. A. LeSueur, of New Harmony, was the first to make mention of mounds in this State (Indiana)." <sup>15</sup> This is erroneous. LeSueur did not come to Indiana

<sup>15</sup> Ind. Geol. Report, 1878, p. 126.

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until 1826, and there is at least one very interesting mention of mounds before that date. Mr. Samuel R. Brown visited the State ten years earlier, and in 1817 published his *Western Gazeteer*, in which are several mentions of Indiana mounds, the most interesting being the following as to those in the Whitewater Valley:

"The traces of ancient population cover the earth in every direction. On the bottoms are a great number of mounds, very unequal in point of age and size. The small ones are from two to four feet above the surface, and the growth of timber upon them small, not being over one hundred years old; while the others are from ten to thirty feet high, and frequently contain trees of the largest diameters. Besides, the bones found in the small ones will bear removal, and exposure to the air, while those in the large ones are rarely capable of sustaining their own weight; and are often found in a decomposed or powdered state. There is a large mound in Mr. Allen's field, about twenty feet high, sixty feet in diameter at the base, which contains a greater proportion of bones than any one I ever before examined, as almost every shovel full of dirt would contain several fragments of a human skeleton. When on Whitewater, I obtained the assistance of several of the inhabitants, for the purpose of making a thorough examination of the internal structure of these monuments of the ancient populousness of the country. We examined from fifteen to twenty. In some, whose height was from ten to fifteen feet, we could not find more than four or five skeletons. In one not the least appearance of a human bone was to be found. Others were so full of bones as to warrant the belief that they originally contained at least one hundred dead bodies; children of different ages, and the full grown, appeared to have been piled together promiscuously. We found several skull, leg and thigh bones which plainly indicated that their possessors were men of gigantic stature. The skull of one skeleton was one fourth of an inch thick; and the teeth remarkably even, sound and handsome, all firmly planted. The fore teeth were very deep, and not so wide as those of the generality of white people. Indeed, there seemed a great degree of regularity in the form of the teeth, in all the mounds. In the progress of our researches we obtained ample testimony that these masses of earth were formed by a savage people, yet doubtless possessing a greater degree of civilization than the present race of Indians. We discovered a piece of glass weighing five ounces, resembling the bottom of a tumbler, but concave; several stone axes, with grooves near their heads to receive a withe, which unquestionably served as helvies; arrows formed from flint, almost exactly similar to those in use among the present Indians; several pieces of earthen ware; some appeared to be

parts of vessels holding six or eight gallons; others were obviously fragments of jugs, jars and cups; some were plain, while others were curiously ornamented with figures of birds and beasts, drawn while the clay or material of which they were made was soft and before the process of glazing was performed. The glazier's art appears to have been well understood by the potters who manufactured this aboriginal crockery. The smaller vessels were made of pounded or pulverized muscle shells, mixed with an earthen or flinty substance, and the large ones of clay and sand. There was no appearance of iron; one of the sculls was found pierced by an arrow, which was still sticking in it, driven about half way through before its force was spent. It was about six inches long. The subjects of this mound were doubtless killed in battle, and hastily buried. In digging to the bottom of them we invariably came to a stratum of ashes, from six inches to two feet thick, which rests on the original earth. These ashes contain coals, fragments of brands, and pieces of calcined bones. From the quantity of ashes and bones, and the appearance of the earth underneath, it is evident that large fires must have been kept burning for several days previous to commencing the mound, and that a considerable number of human victims must have been sacrificed by burning on the spot! Prisoners of war were no doubt selected for this horrid purpose. Perhaps the custom of the age rendered it a signal honor for the chieftains and most active warriors to be interred, by way of triumph, on the ashes of their enemies, whom they had vanquished in war. If this was not the case, the mystery can only be solved by supposing that the fanaticism of the priests and prophets excited their besotted followers to voluntary self-devotion. The soil of the mounds is always different from that of the immediately surrounding earth, being uniformly of a soft vegetable mould or loam, and containing no stones or other hard substances, to 'press upon the dead and disturb their repose.'

'Almost every building lot in Harrison village contains a small mound; and some as many as three. On the neighboring hills, north east of the town, are a number of the remains of stone houses. They were covered with soil, brush, and full grown trees. We cleared away the earth, roots and rubbish from one of them, and found it to have been anciently occupied as a dwelling. It was about twelve feet square; the walls had fallen nearly to the foundation. They appeared to have been built of rough stones, like our stone walls. Not the least trace of any iron tools having been employed to smooth the face of them could be perceived. At one end of the building we came to a regular hearth, containing ashes and coals; before which we found the bones of eight persons of different ages, from a small child to the heads of the family.

The positions of their skeletons clearly indicated that their deaths were sudden and simultaneous. They were probably asleep, with their feet towards the fire, when destroyed by an enemy, an earthquake or pestilence."<sup>16</sup>



THE FEAST OF THE DEAD

From Lafitau's *Moeurs des Sauvages Amériquains*, Paris, 1724

The statement of facts in this extract is so careful and intelligent—as, indeed, all of Mr. Brown's observations were—that one wonders why it did not occur to him that the occupants of the stone house may

<sup>16</sup> Ind. Hist. Coll. *Indiana as Seen by Early Travelers*, pp. 152-4.



have been placed there after death, and that the incinerated occupants of the mounds might have been corpses. The probable explanation is that he was not familiar with Indian mortuary customs, and had the common American idea of that time that the chief occupation of the Indians was burning prisoners. Most of the Indian tribes gave a great deal of attention to the care of their dead. The custom of placing bodies on scaffolds was preliminary to burial or cremation, the object being to get rid of the flesh, as the bones were considered the essential portion of the remains. La Hontan's account of his journey to "the Long River" may be fictitious, but he gave a correct statement of the custom of some tribes when he wrote: "The savages that live upon the long River burn their Corps, as I insinuated before; but you must know that they keep them in vaults or Cellars till they have a sufficient number to burn together, which is performed out of the village, in a place set apart for that Ceremony."<sup>17</sup> Some tribes that buried instead of cremating had the same custom of accumulating corpses before burying. Thus, Father Jouveney, one of the earliest missionaries, says: "Every eight or ten years the Hurons, which nation is widely extended, convey all their corpses from all the villages to a designated place, and cast them into an immense pit. They call it the day of the Dead."<sup>18</sup> In his Relation of 1636, Father Le Jeune, speaking of the Huron Feast of the Dead, gives this explanation of their custom:

"Returning from this feast with a Captain (chief) who is very intelligent, and who will some day be very influential in the affairs of the country, I asked him why they called the bones of the dead *atiskén* (i. e. souls—literally "in the bones"). He gave me the best explanation he could, and I gathered from his conversation that many think we have two souls, both of them being divisible and material, and yet both reasonable; the one separates itself from the body at death, yet remains in the Cemetery until the feast of the Dead—after which it either changes into a Turtledove, or, according to the most common belief it goes away to the village of souls. The other is, as it were, bound to the body, and informs, so to speak, the corpse; it remains in the ditch of the dead after the feast, and never leaves it, unless someone bears it again as a child. He pointed out to me, as a proof of this metempsychosis, the perfect resemblance some have to persons deceased. A fine Philosophy, indeed. Such as it is, it shows why they call the bones of the dead *atiskén* 'the souls'."<sup>19</sup>

<sup>17</sup> Thwaites's La Hontan, p. 473.

<sup>18</sup> Jesuit Relations, Vol. 1, p. 267.

<sup>19</sup> Jesuit Relations, Vol. 10, p. 287.

The Southern Indians generally collected decaying bodies of their dead in "bone houses" or "charnel houses", as the DeSoto chroniclers called them, to save them for burial; and there are a number of descriptions of these places, and of the horrible old eustodians who cleaned the flesh from the bones, by early chroniclers. After citing and quoting extensively from early observers, Mr. Charles C. Jones sums up the Georgia field as follows:

"Tumuli filled with numerous skeletons may be regarded as Family or Tribal Mounds. The Indians of Southern Georgia frequently burnt their dead. This custom, however, was not universal, and it obtained to a very limited extent among the tribes resident in the middle and upper portions of the State. The practice of reserving the skeletons until they had multiplied sufficiently to warrant a general cremation or inhumation seems to have been adopted. It was no easy task for the aborigines to erect a tumulus. Hence, saving the construction of grave mounds in honor of distinguished personages, the labor of sepulchral mound-building was postponed until the accumulations of the bone-house claimed the attention of an entire community. • • •

Upon the islands and headlands along the coast, the skeletons, with a requisite amount of wood, were first placed in a pile upon the ground. Fire was then applied, and, above the smouldering remains carelessly heaped together, a mound of earth was erected. The charred bones and partially consumed fragments of wood are seldom seen until we have reached the level of the plain upon which the tumulus stands. With rare exceptions, tribal mounds of this description contain but a single stratum of bones, showing that when the cremation was ended and the tumulus finished, it was never reopened. As may well be expected, the bones in these mounds are disposed without order. Being at best but fragmentary in their character, they are intermingled with ashes, charred pieces of wood, broken pottery, cracked pipes, and other relics sadly impaired by the action of fire. The fires kindled in solemnization of these funeral customs were so intense as in some instances to crack the stone celts deposited with the dead. Shell ornaments entirely disappear, and the ordinary clay pipes are generally broken to pieces."<sup>20</sup>

Such is the only adequate explanation that has ever been offered for those mounds in which, as Mr. Brown stated, he "invariably came to a stratum of ashes, from six inches to two feet thick, which rests on the original earth." His "stone residence" was apparently an abandoned "bone house", from whose vicinity the relatives of the occupants had been driven away without time to bury their dead. The

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<sup>20</sup> *Antiquities of the Southern Indians*, pp. 191-2.

skeletons found above the basic layer of ashes were probably the results of "intrusive burials" by the Indians. In the mound in which no remains were found, the fire had presumably been sufficient to reduce everything to ashes. Of course this explanation will not apply to mounds that have no layer of ashes at the bottom, for there were Indian



BONE HOUSE  
(After Lafitau)

tribes that did not cremate, as well as tribes that did. And not only did tribes with differing burial customs live in close contact, as is stated above in regard to the Georgia Indians, but in some cases even parts of the same tribe had different customs. Thus, among the Ottawas those of the Great Hare totem, or clan, cremated their dead while those of the other two clans, of the Bear and the Carp totems, buried without cremating.

The reason for this was given by Father Sebastian Rasles in his letter of Oct. 12, 1723. The Great Hare was the Algonkin demiurge, otherwise known as Michaboo, Manabozho, Nanaboush, or Wisakatcawka, and Rasles gives their tradition that: "Before quitting the earth he directed that when his descendants should die, their bodies should be burned, and their ashes scattered to the winds, so that they might be able to rise more easily to the sky." The verity of this had been established by the fact that they had left a member of the clan unburned during a protracted and distressing cold spell, until an old woman pointed out their offense, and his cremation was followed by a thaw—q. e. d.<sup>21</sup> Squier and Davis mention<sup>22</sup> three mounds, one of them "nine feet high and forty feet in diameter" that appeared to be composed entirely of "something resembling long exposed and highly compacted ashes, intermingled with specks of charcoal, small bits of burned bones and fragments of sandstone much burned." Gerard Fowke thinks this was "made up of the material gathered on a village site, and containing all the debris of culinary and other domestic occupations."<sup>23</sup> It is rather difficult to imagine savages indulging in so tremendous a sanitary clean-up; and the facts may be explained on the theory that, for some reason, the builders were prevented from completing these mounds by covering them with earth.

Cremation also furnishes the reasonable explanation of what are called "altar mounds", which have at the base a raised structure of clay, usually with a sort of basin at the top. As the name indicates, these have been considered places where human beings were sacrificed, and this idea is still widespread, although its absurdity has often been pointed out. As Morgan puts it:

"Wherever human sacrifices are known to have occurred among the American aborigines, the place was an elevated mound platform and the raised altar or sacrificial stone stood before the idol in whose worship the rites were performed. There is here neither a temple nor an idol; but a hollow bed of clay covered by a mound raised in honor over the ashes of a deceased chief, for assuredly such a mound would not have been raised over the ashes of a victim. Indians never exchanged prisoners of war. Adoption or burning at the stake was the alternative of capture; but no mound was ever raised over the burned remains. Another use suggests itself for this artificial basin more in accordance with Indian usages and customs, namely, that cremation of the body

<sup>21</sup> Jesuit Relations, Vol. 67, pp. 153, 157.

<sup>22</sup> P. 180.

<sup>23</sup> Archaeological History of Ohio, p. 320.

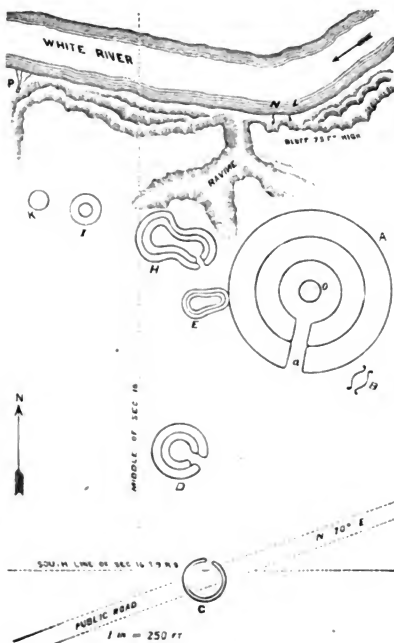
of a deceased chief was performed upon it, after which the mound was raised over his ashes."<sup>24</sup>

One of the most interesting features of the Mound Builder problem, from the historical point of view, is this sacrificial theory. Among the early settlers of the Ohio Valley there were dozens of men who were well read and intelligent, as learning went at that time; and most of the speculations as to the Mound Builders came from them. It was natural that they should adopt the sacrificial idea, because they commonly believed that the Mound Builders were the ancestors of the Aztecs, and they were familiar with the Spanish chronicles of the conquest of Mexico through English translations. Thus, Gen. Harrison, who had given the subject much attention, in his discourse on the Aborigines of the Ohio Valley, indorses the view of Bishop Madison, of Virginia, that the Aztecs and the Mound Builders "are one and the same people", and avers that, "There were a numerous priesthood, and altars often smoking with hecatombs of victims". Harrison, like many others, was familiar with the classics and knew that the Greeks and Romans offered portions of their ordinary food to the gods, before eating. They were in general better acquainted with the Bible than the present residents of the Ohio Valley, and knew about the reservation of parts of the Jewish sacrifices as food for the priests and their families; and they were familiar with the Apostolic troubles over eating "meats offered to idols". But they did not catch the fact, as they might have done from the Spanish chronicles, that the Aztecs were cannibals, and that only the hearts of the victims went to the gods, while the bodies were eaten by the worshippers; and they did not know that when the Europeans came in contact with them, all of the American Indians were cannibals. Anyone who harbors the idea that a tribe of cannibals would waste, by burning them up, enough perfectly good captives to make a layer of ashes two feet thick, or even two inches thick, is sadly deficient in knowledge of human nature; especially when the high cost of cannibal living is considered.

After the publication of Prescott's Conquest of Mexico, which was widely read, and accepted as conclusive, the belief in the sacrificial theory was even more firmly established; and it is not surprising that a man like Prof. Collett, educated in that period, should have held the views above quoted as to the mound at Vincennes. The probable explanation of Sugar Loaf Mound is that it is the result of three general cremations, one superimposed on another. It may be suggested also,

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<sup>24</sup> Lewis H. Morgan, *Houses of the Mound Builders*; in *Contributions to North American Ethnology*, Vol. 4, p. 217.



EARTH MOUNDS NEAR ANDERSON  
(Plate E.)

as to cases of unusually large ash deposits, that the exigencies of war may at times have called for the cremation of numbers of corpses, without waiting for the flesh to decay, and in that case there would have been a large increase in the amount of fuel required for consumption of the remains.

There is another class of mounds sometimes called "sacred enclosures", and to this class some have referred the remarkable mounds near Anderson, which are the best preserved of the large works in Indiana. "The principal work in a group of eight, shown on plate E, is a circular embankment with a deep ditch on the inside. The central area is one hundred and thirty-eight feet in diameter, and contains a mound in the center four feet high and thirty feet in diameter. There is a slight depression between the mound and the ditch. The gateway is thirty feet wide. Carriages may enter at the gateway and drive around the mound, as the ditch terminates on each side of the gateway. The ditch is sixty feet wide and ten and a half feet deep; the embankment is sixty-three feet wide at the base and nine feet high, and the entire diameter of the circle is three hundred and eighty-four feet."<sup>25</sup>

The work marked H is 181 feet long, and its wall was originally six feet high. The walls of the other works were two to three feet high. These mounds were covered with trees not distinguishable from those of the surrounding forest, some trees on the walls being four feet in diameter. These works are located on the south side of White river, on a bluff seventy-five feet above the water. At the foot of the bluff are several fine springs. The purpose of such mounds presents a wide field for conjecture; and without any material danger of being proven wrong—or right.

The extent of these structures in the Ohio Valley has usually been taken as a demonstration of a large population. This has been disputed in recent years, but the estimates of those who argue for a small population seem to prove the opposite. For example, Mr. Fowke gets this conclusion from an elaborate estimate: "On the estimate of 30,000,000 cubic yards for the prehistoric works of the State, one thousand men, each working three hundred days in a year, and carrying one wagon load of earth or stone in a day, could construct all the works in Ohio within a century." What a bagatelle! Perhaps it would seem more impressive in the equivalent terms of one hundred thousand men for one year, or ten thousand men for ten years. And who was providing food for these laborers? The Indians often went hungry even when all hands were giving their time to procuring food. Such an estimate

<sup>25</sup> Ind. Geol. Report, 1878, pp. 129-32.

implies a population far in excess of any Indian population known in the Ohio Valley in historic times.

But more impressive than these earth-works, both as to the amount of population and as to the antiquity of the Mound Builders, are the artifacts that are found scattered over the soil everywhere. When the white men first knew this region, Ohio and the southern two-thirds of Indiana were covered by dense forests. When the forests were removed, and cultivation began, the plows began turning up arrow-heads, spear-heads, stone hoes, mortars, pestles, discoidal stones, and other remains of prehistoric man's occupancy. The Indians could not have left them, for there were not enough of them, and they did not live in the forested country. The forest feature of the problem is usually discussed on the basis of a removal of the forest by prehistoric man, and a subsequent reforestation; but this is impossible. No savage nation could have cleared all of Ohio and Indiana, and these artifacts are found everywhere. The only possible explanation is that they were scattered before the forest existed.

Caleb Atwater thought that these remains were to be credited to the Indians, and not to the Mound Builders. He says: "They consist of rude stone axes and knives, of pestles used in preparing maize for food, of arrowheads, and a few other articles so exactly similar to those found in all the Atlantic States, that a description of them is deemed quite useless." And after giving his reasons for believing that the Indian population was much greater on the sea coast than in the interior, he proceeds: "Hence the numerous other traces of Indian settlements, such as the immense piles of the shells of oysters, clams, &c. all along the sea shore, the great number of arrowheads and other articles belonging to them, in the eastern states, and their paucity here."<sup>26</sup>

This seems a strange statement now, but when it was written the forests had not been removed sufficiently to permit knowledge of the quantity of such remains. Moreover it was not then known that the Mound Builders used stone implements not materially different from those of the Indians, though they used some that the Indians did not. A curious case of this is one of a stone ax, found on the site of a Miami village on the Wabash, the head of which was an unfinished Mound Builder ceremonial stone, which some Indian had found, and fitted with a hickory handle.<sup>27</sup> There is no question that the Indians gladly used Mound Builder arrow and spear heads, axes, and other implements whenever they found them. An interesting illustration of this is given by Father Le Mercier, in the *Relation* for 1667-8, as follows:

<sup>26</sup> Arch. Amer., Vol. 1, pp. 111, 113.

<sup>27</sup> Moorehead. *The Stone Age in North America*, Vol. 1, p. 394.



"Arriving (over Lake Champlain) within three quarters of a league of the Falls by which Lake St. Sacrement (Lake George) empties, we all halted at this spot, without knowing why, until we saw our savages at the water-side gathering up flints, which were almost all cut into shape. We did not at the time reflect upon this, but have since then learned



MIAMI AX, WITH MOUND BUILDER STONE HEAD  
Found in Indiana

the meaning of the mystery; for our Iroquois told us that they never fail to halt at this place, to pay homage to a race of invisible men who dwell there at the bottom of the lake. These beings occupy themselves in preparing flints, nearly all cut, for the passers-by, provided the latter pay their respects to them by giving them tobacco. If they give these beings much of it, the latter give them a liberal supply of these stones.

The occasion of this ridiculous story is that the Lake is, in reality, often agitated by very frightful tempests, which cause fearful waves, especially in the basin where *Sieur Corlart*, of whom we have just spoken, met his death; and when the wind comes from the direction of the Lake, it drives on this beach a quantity of stones which are hard, and capable of striking fire."<sup>28</sup> This story may have another value. The locality can probably be identified; and a flint workshop in the soil under the waters of Lake Champlain may furnish some geologist data for estimating the antiquity of man in America.

Another evidence of large prehistoric population that has come to light since Mr. Atwater wrote is extensive shell heaps, of which he knew nothing because they were covered with earth, some of them ten feet deep.<sup>29</sup> There are also stone fire places, often in connection with shell heaps. Some of these occur in river terraces, which makes their antiquity questionable; but others are far above high water mark as in the case of the celebrated "Bone Bank", on the Wabash, which has been described by LeSueur, Prince Maximilian, Sir Charles Lyell, and others. These shell heaps show that fresh water mussels and snails were very largely used for food by prehistoric man; but the Indians did not eat them. I have been assured by old Indians that their people never ate snails or mussels, and I have never found a statement by any person who had been with the Indians that they did eat them.

That these people were largely agricultural is obvious. The numerous stone hoes could have been used only for cultivation, and the numerous mortars and pestles could have been used only for grinding grain. Permanent mortars have been found in connection with what are called "rock houses", i. e. projecting rock strata which form cavernous shelters.<sup>30</sup> But how came these various stone weapons and implements to be scattered so widely over the face of the country? Such implements are made much more easily than is commonly supposed, by workmen who are skilled,<sup>31</sup> but still the labor is considerable, and the materials often had to be procured at long distances. That they were much valued is shown by the fact that caches of them have been found where they were hidden away as treasure. It is certain that their owners would not throw them away, or lose them if they could avoid it. The hunter would recover the arrow he had shot, or the spear he had thrown, if he could do so. Presumably then these articles were

<sup>28</sup> *Jesuit Relations*, Vol. 51, pp. 182-3.

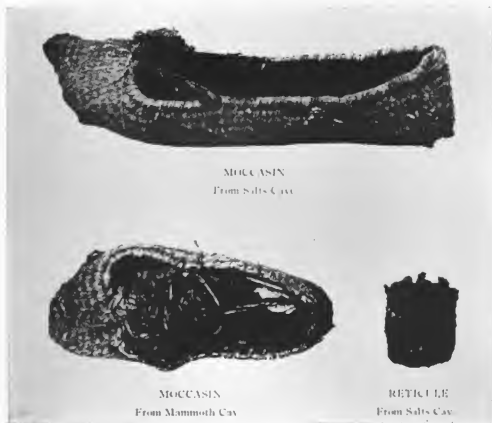
<sup>29</sup> *Ind. Geol. Report*, 1872, pp. 142, 408, 414; 1873, pp. 125, 185, 371; 1878, pp. 127, 128.

<sup>30</sup> *Ind. Geol. Report*, 1872, pp. 82, 88.

<sup>31</sup> *Archaeological History of Ohio*, pp. 524-6, 636-45.

lost by the owners, and this necessarily implies a large number of people to lose them.

It is not known how the Mound Builders were housed. That some of them lived in caves in Kentucky, and Tennessee is clearly shown; but most of the caves of Indiana would be uninhabitable on account of inundation, and the evidences of any temporary occupation would soon disappear for the same reason. Marengo cave would have been



MOUND BUILDER FABRICS FROM KENTUCKY CAVES

habitable, but there is no indication that it was known either to the Mound Builders or to the Indians. Wyandotte cave was occupied to some extent, but apparently only for the purpose of mining the stalagmite formations. What was done with the material is not known, but it may have been used for making those stone ornaments which are ordinarily called "marble." It is not credible that there were not some sort of houses in connection with their extensive earth works, and the absence of any remains of habitations presumably means that the habita-

tions were of very perishable material. Mr. Morgan advanced the ingenious theory that some of the inclosures were of villages, in which joint-tenement houses, similar to the long houses of the Iroquois were ranged along the inside of the walls. This is possible, but the lack of remains both of houses and of the naturally looked for contents of houses, in such locations, makes the theory improbable.

Remains of Mound Builders work, other than in metal and stone, are better preserved in the Kentucky caves than elsewhere, probably on account of the saltpeter deposits. Among them are cloth, moccasins, bags, cords, and other articles made of vegetable fiber; pieces of melon and squash rinds, corn-cobs, tobacco, seeds of watermelons, grapes, sun-flowers; numbers of gourd cups and bottles; and one entire gourd containing seeds, some of which grew, and furnished a present supply of Mound Builder gourds. The story of all this, and much more is told in a most interesting way in Col. Bennett H. Young's *Prehistoric Men of Kentucky*. Among other curious things he mentions a small bag or reticule, apparently intended for a child's plaything.

In this connection, it may be noted that the Mound Builder has probably been taken too seriously. All known savage tribes have their games and sports, and there is no reason why prehistoric man should not have indulged in amusements. It is now generally accepted that the discoidal stones, which so long puzzled antiquarians, were used in some game similar to the chungke game of the southern Indians; which was described by Adair, DuPratz, and other old writers. It was played on a carefully leveled plot of ground, something like a croquet ground but longer, by two players, who have specially prepared poles about eight feet long. One of them rolls a round, flat stone, three or four inches in diameter, and both follow and throw their poles. The one who lodges his pole closest to the stone wins; and winning was important, for it was a great gambling game. There was found on a ridge in the northeastern part of Vanderburgh County "an area, the surface level and apparently paved with plastic clay 500 by 200 feet", which is believed to be a prehistoric chungke yard; and on which six discoidal stones were found.<sup>32</sup>

Many of these stones are too small for this game as played by adults; but there may have been other games. Father Gravier mentions one among the Houmas as follows: "In the middle of the Village is a fine and very level open space, where, from morning to night, young men exercise themselves. They run after a flat stone, which they throw in the air from one end of the square to the other, and try to Make it fall

<sup>32</sup> Ind. Geol. Report, 1875, p. 299.

On two Cylinders, which they roll wherever they think the stone will fall."<sup>33</sup> It is also possible that these smaller stones may have been toys for children. Indians are very indulgent to their children, and they had home-made dolls and other toys, as well as playthings of their own construction. In the Relation of 1634, Father LeJeune says: "The little savages play at hide-and-seek as well as the little French children. They have a number of other childish sports that I have noticed in our Europe; among others I have seen the little Parisians throw a musket ball into the air and catch it with a little bat scooped out; the little montagnard savages do the same, using a little bunch of Pine sticks, which they receive or throw into the air on the end of a pointed stick."<sup>34</sup>



THREE EFFIGY BOWLS  
From the Wabash Cemetery

Mound Builder children were like other children. In 1898 representatives of Phillips Academy, Andover, Mass., made extensive investigation of a prehistoric cemetery in Indiana at the mouth of the Wabash river. In the report of it, Mr. W. K. Moorehead says: "There is a pathetic interest in the fact that many children skeletons were found during the course of the explorations. The mothers placed alongside the little bodies clay toys, such as rattles, miniature dishes, bowls and bottles. These served the same purpose in ancient times as do the toy dishes and playthings used by our children. There were also pendants, small shells, shell discs and other ornaments buried by the head or at the wrists of these infants and children. The toy dishes are crudely

<sup>33</sup> Jesuit Relations, Vol. 65, p. 147.

<sup>34</sup> Jesuit Relations, Vol. 7, p. 97.  
Vol. 1-3

made, some of them not even baked. Often small, waterworn pebbles had been placed within the toys."<sup>35</sup> It is quite possible that many of the problematic articles found in mounds are merely playthings of the children. And, so, probably were the pebbles found with these toys. The Ottawas had a tradition of four Indians who picked up some pieces of copper on the shore Lake Superior, and were rebuked by a manito who cried, "Who are those robbers carrying off from me my children's playthings?" Father Dablon explains: "Those little pieces of Copper that they were carrying off are the toys and playthings of the Savage children, who play together with little stones."<sup>36</sup>

The southern Indians furnish the explanation for some of the figure pottery of the Mound Builders. In speaking of the Natchez temple, Father LePetit says: "Another separate shelf supports many flat baskets, very gorgeously painted, in which they preserve their idols. These are figures of men and women made of stone or baked clay, the heads and the tails of extraordinary serpents, some stuffed owls, some pieces of crystal, and some jaw-bones of large fish. In the year 1699 they had there a bottle and the foot of a glass, which they guarded as very precious."<sup>37</sup> These little clay images are quite common among Mound Builder relics, and so are crystals of various sorts. Such idols indicate the temperament of the worshipers. There is something somber in the character of people that can worship an idol like the Aztec war god Huitzilopochtli, with his insatiate craving for the life of men, that does not exist in a people with a comfortable lot of small idols which can be laid on the shelf between periods of worship.

Moreover, the religion of the southern Indians furnishes the explanation of another Mound Builder characteristic. In spite of all attempts to ridicule the idea, the extensive prehistoric works, and especially large mounds erected over only one or two bodies, do indicate a centralized authority of which there is no record among the northern Indians. In the southern tribes the caciques had despotic authority, as is witnessed by all chroniclers, from those with De Soto to the French missionaries. The masses not only fought the Spaniards to the death at the cacique's command, but also at his command went into slavery to the same Spaniards. At the death of a cacique, numbers of his subjects voluntarily offered themselves for death, in order to accompany and serve him. They were sun-worshipers, and the cacique, as the "Brother of the Sun" combined divine attributes with temporal power. Their

<sup>35</sup> Bulletin 3, Phillips Academy, p. 65.

<sup>36</sup> Jesuit Relations, Vol. 54, p. 155.

<sup>37</sup> Jesuit Relations, Vol. 68, p. 125.

governments were theocracies, in which the ruler was not merely "God's auointed", but also was himself divine.

The questions of the origin and the fate of the Mound Builders have been discussed for more than a century without decision. Some conclusions have been fairly established, but more of a negative than of a positive character. The questions involve to some extent the question of the antiquity of man in America, and this has always colored the discussion. In the earlier part of the last century, most writers felt themselves bound by Bible chronology, and the dispersion of mankind from a common source after the deluge. In the last half century there has been an equally slavish subserviency to the Darwinian Theory. Mr. Darwin decided that man must have originated in the old world, because he was descended from the catarrhine apes, and there were only platyrrhine monkeys in America; and in consequence everything showing antiquity of man in America has been assailed and belittled in every possible way. But after all this assault, what may be taken as the latest unprejudiced summary of the matter concedes man's existence here in the Glacial period.<sup>38</sup>

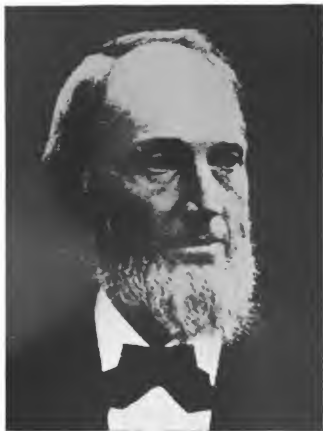
But even on that basis, immigration is the only possible solution for the evolutionists. As Mr. Fowke puts it: "If the existence of a 'glacial' or 'paleolithic' man in this country can be proven, or if it can be shown, as Powell contends, that America was inhabited while man was still but little beyond the stage of a wild beast, his presence can be accounted for in only three ways:—He gradually developed here from a lower stage into a human being; there was a land connection between the eastern and western hemispheres which no longer exists; or there were islands, or possibly continents, now destroyed, so distributed that he could be accidentally carried from one to another."<sup>39</sup> The literature of the subject has grown to appalling proportions, and Mr. Fowke's book is one of the most satisfactory compendiums of it that has been made; but his bias causes him to attack statements of fact by observers as well as statements of opinion. He assails the description of the stone fort in Clark County, quoted above from Prof. Cox, with almost prehistoric ferocity.<sup>40</sup> Nothing could be more uncalled for. Edward Travers Cox was born in Culpeper County, Virginia, and when four years old was brought to Indiana by his father, who joined the New Harmony colony. He grew up in that most intellectual atmosphere in America; studied chemistry and geology under David Dale Owen,

<sup>38</sup> Henry W. Haynes, in Winsor's *Narr. and Crit. Hist. of Am.*, Vol. 1, Chap. 6.

<sup>39</sup> *Archaeological History of Ohio*, p. 43.

<sup>40</sup> *Ib.* pp. 65-6.

whose assistant he became through all the years while New Harmony was the headquarters of the United States Geological Survey of the Mississippi Valley, until Dr. Owen's death in 1859. He was then engaged in mining investigations for private parties, for the national government and for the state of Illinois, until 1868, when he was made State Geologist of Indiana. He held that position until 1880, and was of



PROF. EDWARD TRAVERS COX

immense benefit through his work on the coal fields, and other economic geological research. Later he was an authoritative mining expert on the Pacific slope, in New York City, and in Florida, where he was in charge of large phosphate interests, until his death, on Jan. 7, 1907. It is equally absurd to question his ability, his veracity, or his conservatism. If the statements of Prof. Cox as to matters of fact cannot be accepted, we may as well burn up all past records and provide by statute that hereafter no person shall examine a mound unless accom-



panied by two hostile witnesses, of opposing political parties, who shall be examined under oath as to the results of the work.

When Count Volney visited this country, in 1795, he met and interviewed at length the great Miami chief, The Little Turtle. Volney explained to him his theory that the Indians were descendants of Tartars who had made their way to this continent. The Little Turtle inquired what was to prevent the Indians from going over to Asia, and becoming the ancestors of the Tartars, and Volney replied that he knew of no objection except that the Black Gowns would not allow it. With true Hoosier independence, The Little Turtle expressed his opinion that the Black Gowns did not know any more about it than other people. The situation is not greatly changed today. Among ethnologists the general tendency is to the belief that the Mound Builders were the ancestors of some of the Indian tribes, probably the Muscogean. This faith is largely based on the mention of Indian mound building by the De Soto chronicles, but it must be confessed that the claims that they record any earth work approaching that of the Mound Builders in extent is not well founded.

The strongest statement in them is that of the Knight of Elvas, as to the town of Ucita: "The chief's house stood near the beach, upon a very high mound made by hand for defense."<sup>41</sup> De Biedma, speaking of the town of Icasqui, says: "It is the custom of the Caciques to have near their houses a high hill, made by hand, some having the houses placed thereon."<sup>42</sup> Ranzel says: "This Talimeco was a village holding extensive sway, and this house of worship was on a high mound and much revered."<sup>43</sup> He also says of the town of Athahachi, "The chief was on a kind of balcony, on a mound at one end of the square."<sup>44</sup> Garcilaso de la Vega, "the Inca", says these Indians built mounds to escape floods, which would have been a "thoughtful Gretchen" performance in a country with as many superfluous hills as the United States. But he was not with the expedition, and he says that only the caciques and their attendants had houses on the mounds. This is the sum of the mounds mentioned and there is not a word about any of them being used for defense in any way. This is very significant, for the chroniclers were all soldiers, and they described all the defenses they met in their repeated conflicts. Thus, the Knight of Elvas says of the town of Ullibahali: "The place was enclosed, and near by ran a small stream. The fence, which was like that seen afterwards to other

<sup>41</sup> Bourne's Narratives of De Soto, Vol. 1, p. 23.

<sup>42</sup> *Ib.* Vol. 2, p. 27.

<sup>43</sup> *Ib.* p. 101.

<sup>44</sup> *Ib.* p. 120.

towns, was of large timber sunk deep and firmly into the earth, having many long poles the size of the arm, placed crosswise to nearly the height of a lance, with embrasures, and coated with mud inside and out, having loop-holes for archery."<sup>45</sup> And Ranjel says: "They came to an old village that had two fences and good towers, and these walls are after this fashion: They drive many thick stakes tall and straight close to one another. These are then interlaced with long withes, and then overlaid with clay, within and without. They make loop-holes at intervals and they make their towers and turrets separated by the curtain and parts of the wall as seems best. And at a distance it looks like a fine wall or rampart and such stockades are very strong."<sup>46</sup> He also says as to the town of Pacaha: "This town was a very good one, thoroughly well stockaded; and the walls were furnished with towers and a ditch round about, for the most part full of water which flows by a canal from the river. \* \* \* In Aquixo and Casqui and Pacha, they saw the best villages seen up to that time, better stockaded and fortified."<sup>47</sup>

It is quite safe to assume that the real purpose of these mounds was the same as that stated by Father LePetit as to similar mounds in the villages of the Natchez. He says: "The Sun is the principal object of veneration to these people; as they cannot conceive of anything which can be above this heavenly body, nothing else appears to them more worthy of their homage. It is for this reason that the great Chief of this nation, who knows nothing on the earth more dignified than himself, takes the title of brother of the Sun, and the credulity of the people maintains him in the despotic authority which he claims. To enable them better to converse together, they raise a mound of artificial soil, on which they build his cabin, which is of the same construction as the temple. \* \* \* When the great Chief dies, they demolish his cabin, and then raise a new mound, on which they build the cabin of him who is to replace him in this dignity, for he never lodges in that of his predecessor."<sup>48</sup> It is much more probable that the mound in the Randolph County inclosure, previously described, which is 100 feet in diameter and only 9 feet high, was intended for the Chief's cabin and the temple than that it was designed for observation purposes.

But the fact that the southern Indians did not build fortifications of earth is no more argument that they were not descendants of the Mound Builders than would be the fact that we build houses of brick

<sup>45</sup> Vol. 1, p. 85.

<sup>46</sup> Ib. Vol. 2, p. 115.

<sup>47</sup> Ib. p. 139.

<sup>48</sup> Jesuit Relations, Vol. 68, pp. 127, 129.

and stone, instead of the log houses of a century ago, an argument that we were not descendants of the log house builders. The defences they did build were the same as those commonly built by the northern Indians, except that their stockades were coated with clay, which protected them from fire. They may have learned from their enemies that stockades were more easily constructed and more easily defended than earth walls. The fact that they built mounds, and that the building was connected with their religion; coupled with the fact that their mortuary customs furnish the rational explanation of our burial mounds, and their games furnish an explanation for our discoidal stones, puts them in closer relation to the Mound Builders than any other living people. Of course it is possible that the Mound Builders were entirely exterminated; or, what would be more probable by Indian custom, that the adults were killed, and the children adopted by the conquerors; but if not exterminated, their most probable descendants are among these tribes of the southern states.

With our present light, which may never be increased, the origin and fate of these people are merely matters of conjecture; and in that line there is an interesting suggestion in the tribal legends of the southern Indians. The Muscogees and the Choctaws have traditions that their ancestors came out of a hole in the ground—not a lone father and mother of a future people, but, as Captain Romans recorded it: "their whole, very numerous nation, walked forth at once, without so much as warning any neighbor." All traditions have some sort of foundation, and Indian traditions are commonly based on a perversion of some word. This is due to the fact that instead of compounding entire words, as we do, they make compounds of syllables of the primary words, or even represent them by a single letter. In consequence a very slight change in the pronunciation of a compound word may make as startling a change in the meaning as was made in the historic poem when the printer dropped the "r" from "friend", and the poet lamented that "so slight a change should change a friend into a fiend." It would be simple and natural for a tribe that had formerly lived in caves to develop such a tradition as that above from the fact that they had come out of the caves for future residence. An exactly similar perversion of this concept, "coming out", will be found in the following chapter in a legend of the origin of the Miamis. If we assume that the Mound Builders of Ohio and Indiana were driven into Kentucky and Tennessee, where part or all of them took refuge in caves; and that centuries later they migrated or were driven into the Gulf States, we have at least a basis for explanation of a large part of the known facts.

But more forcible than all of these considerations is the consideration of language. The most astounding delusion as to Indian languages is the idea, constantly repeated by ethnologists and anthropologists, that they "are not inflected as European languages are." In reality the Algonkin languages are more highly inflected than any existing European language, as may be shown by two simple Miami sentences, as follows:

na-wa'-ka wa-pi'-si-ta lām'-wa, I see a white dog.

na-ma'-nī wa-pi'-kī sā'-nī, I see a white stone.

It will be noted that each of these words ends with a vowel, and in the Miami every word ends in a vowel sound when fully pronounced, although these vowel endings are commonly dropped in many cases in ordinary conversation. The basic grammatical distinction of the language is between the animate and the inanimate, the animate including those things that have, or are supposed to have, sentient life. Things of the vegetable world are not animate unless personified for some sufficient reason. To coordinate it with Gender, Number and Person, we will call this quality, or distinction "Sentience". The ending "a" of lām'-wa indicates that the object named is animate; the ending "i" of sā'-nī indicates that the object named is inanimate; and these two objects control the inflection of the remaining words in the sentences. In Miami no verb is transitive unless the action actually passes over to some other person or thing, and when transitive, the inflection indicates the Sentience, and usually the Person and Number of the object. Na-wa'-ka, of itself, means I see him, or her, i. e. something animate, third Person, singular Number. Na-ma'-nī, of itself, means I see it, something inanimate, and therefore necessarily third Person. All adjectives are verbs in form, conjugated as other intransitive verbs. Wa-pi'-si-ta, of itself, means he or she is white. Wa-pi'-kī, of itself, means it is white. If I wish to say "I am white", I cannot use either of these forms, but must say wa-pi'-si-a'-nī.

The distinguishing characteristic of most of the languages of North and South America is not "agglutination", or "polysynthesis", which exist to some extent in all languages, but this basic grammatical distinction of Sentience. In all inflected Old World languages, Aryan, Semitic, or any other, the basic grammatical distinction is of sex. Anyone who has attended a high school is familiar with the "hic, haec, hoc," and "meus, mea, meum," of the Latin, and the others are similar. After wide investigation, and inquiry of missionaries, I have been unable to find any Old World language that has this distinction of Sentience—not even the Eskimo, which is common to both continents. It

is an universally recognized rule of philology that no language ever loses its grammar on account of contact with other languages. Thus, English has changed in words and pronunciation until the original Anglo-Saxon is like a foreign language. It has adopted thousands of words from Latin and various other languages, but it has naturalized them, and English grammar is still Teutonic. Under this rule, it is impossible that a people having the basic grammatical distinction of sex should change it to a basic distinction of Sentience; and this appeals to common understanding, for it is impossible to conceive how such a change could occur in a language handed down from father to son.

The most notable exception to this American characteristic is in the Muscogean languages. The Choctaw, for example, has no inflection whatever, its place being supplied by adjuncts. The Choctaw word *ha-tak* means man or men, with no change of form for Person, Number or Case, and Gender shown only by the meaning of the word itself. Neither does it affect in any way the form of the verb. On the principle stated, such a language could not be derived from an Algonkin source, or vice versa. We have then at least two independent origins of language on this continent, both independent of the Old World; and this would be accounted for on the hypothesis that the southern Indians were descendants of the Mound Builders. It is to be regretted that the existing records of Indian languages do not furnish sufficient material for the full development of this theory. Max Muller expressed his surprise that Americans had not given more attention to the record and study of Indian languages, and so have a few Americans; but the work has made little progress, and the opportunity for it is rapidly passing away, all for the lack of money by those who see its importance. If any American of wealth desires a monument more imperishable than stone or brass, he could not secure it more certainly, or more economically, than by endowing a Society for the Preservation of Indian Languages.

But an independent origin of language on this continent implies an independent origin of man; and here we come into opposition to both the Black Gown and the Darwinian. What of it? Both of them ought to concede the Divine origin of at least one teaching of the Bible, and that is: "The truth shall make you free." In this case the difference between the Old and the New Worlds is even deeper than language. It reaches to the habits of thought of the people. Whether you regard the Old Testament as a Divine revelation or a compilation of tradition, you must admit its antiquity. From the first it is full of the sex idea—"male and female created he them"; "male and female" they went into the ark; the promise "Thou shalt be blessed above all people: there shall not be male or female barren among you, or among your

cattle'; and the curse of childlessness which caused the mother of John the Baptist to speak of "my reproach among men". On the other hand, the Indian, without domestic animals, cared little for the sex of the animal he pursued for food. The important thing to him was what was alive and what was not. There is a large, and probably growing, class who, with conscious superiority, dismiss any suggestion of a direct act of creation with the statement that it is not scientific. Very well. To all such I offer this nut to crack. On what scientific principle will you account for the unquestionable fact that from the Hebrews, whose language, religion, and daily habit of thought were saturated with the sex idea, there suddenly developed the three unprecedented and absolutely unique concepts of a Sexless Trinity, a Sexless Heaven, and a Virgin Birth?

## CHAPTER II

### THE INDIANA INDIANS

In the last quarter of a century, the best Miami interpreter in Indiana was Gabriel Godfroy. He was a son of Francois Godfroy, a French Miami half blood and his wife Sakwata, a Miami woman. It is stated in local histories that Francois Godfroy's Indian name was Pah-lons'-wa, but he had no Indian name, and this is merely the Miami effort to pronounce his French name. They have no sound of "f", "r", or "v" in their language, and substitute "p" for "f", and "l" for "r". Gabriel was born near Hartford City, in Blackford County, January 1, 1834, and a few days later his mother asked an old Indian friend to give him a name, as is often done by the Indians. The old man gave him his own name, Wa'-pa-na-kl'-ka-pwa, or White Blossoms. The old man held the tribal office of Ka'-pi-a, which they usually translate "overseer", but which is more nearly equivalent to umpire or judge. His chief function was, in case of a receipt of annuity goods, or on a joint hunt, to see that an equitable distribution was made of the proceeds. Gabriel was sometimes called Ka'-pi-a on this account, but the title did not belong to him. Neither was he a chief, but simply an amiable, honorable gentleman, who bore adversity bravely, and was universally respected.

Indeed his good-heartedness was his financial ruin. His father's family was one of those left in Indiana when the rest of the tribe was moved to Kansas, and was given several reservation tracts, one half section of which was in the Mississinewa valley, opposite Peru, near which Francois had a trading house. To this Gabriel succeeded, and on it he erected a fine brick home, where he kept open house for all his Indian and white acquaintances; and he never lacked for company. He held one office—that of road supervisor—and he blamed politics for his reverses. Politicians persuaded the Indians that they had the right of suffrage, and ought to vote; and after they began voting the County Commissioners decided that they ought to be taxed, and put the Indian lands on the tax-duplicate. At that time the national government was not giving as much care to its "wards" as it does now, and the Indians had to look out for themselves. The brunt of the litigation fell on Godfroy; and after the case had dragged along for thirteen years, and what

was left of his property had gone for costs and attorney's fees, it was dismissed.

He had no schooling. When he was about ten years old his father sent him to Vincennes for instruction by M. Bellier, the village pedagogue, but within a week the youthful student was so homesick that he was packed back home. However he had a bright mind and a fine memory. The book of nature was very attractive to him, and he became an encyclopedia of forest lore and local history. His excellence as an interpreter was due to his general information and the fact that he knew English so well that he could think in it as well as in Miami. No Indian interpreter is very reliable until he reaches that point. I did considerable language work with him in the last five years of his life—he died on August 14, 1910—and one day, when we were talking about the early history of the Miamis, he gave me the following legend of the origin of the tribe, which he had learned from Ki-tün-ga (i. e. Sleepy, commonly known to the whites as Charley.) who used to take the boys fishing at night, and tell them stories while waiting for a bite:

Ā-hon'-djī Kīn-do'-kī Pī-a'-watc Mī-a'-mī-a'-kī.  
WHENCE FIRST THEY CAME THE MIAMIS.

Mī-ta'-mī	Mī-a'-mī-a'-kī	ni-pīn-gon'-djī
In the beginning	the Miamis	from the water
sa-ka'-tēi-wā-tēik'.	Ā-hon'-djī	sa-ka'-tēi-wā-wate'
they came out.	From where	they came out
Sa'-kī-wā-yun'-gī	i-ta'-mīng.	Ni-pīn-gon'-djī
Coming Out Place	it is named.	From the water
nā-wā-yo'-sa-tēik'	mo-kī-tēi'-kī.	"Pā-mīt'-ta-nok
the first ones	they came to the top.	"Limbs of trees
sā-ka'-kwe-lo'",	il-lī'-tī-tēik'.	Nā'-hī
catch hold of",	they told each other.	And when
sa-ka'-tēi-wā-tēik';	nun'-gī	ni-a'-hī
they came out	now	there
		a-mīn-o'-tā-tēik'.
		they made a town.
Ni-an'-djī	ma'-tēi-ka-tīk';	mīn-o'-tā-nī
From there	they went away	the town
		na-ka-tan'-gīk.
		they left it.
Ka-pot'-wā	n'go'-tī	a-pwā'-yat.
After a while	one	he went back
		A-pwā'-pi-at
		When he came
kwī-ta-ka'-kī	to-sān'-ī-a'-kī	na-wa'-kīk
other	Indians	he saw them



Sa'-ki-wā-yun'-gī. (at) Coming Out Place.	Nā-pa'-sa He was surprised	na'-pī but	
īl-la-ta'-wa-teik' they talked	īl-la-ta'-wai-ang'. (as) we talk.	Nā-hi'-sa And then	wēn'-da-wate' he called them
Ma-ta'-kis-sa'-na-ka'-na Old Moccasins	īl-la-teī'-kī he named them	i'-na those	to-sān'-ī-a'-kī. Indians.
Mot'-yī Not	n'gī'-kā-li'-ma-so' I do not know	wān'-djī-na-ko'-sī-wate'. of what tribe they were.	
Mot'-yī-wā-yāk Nobody	kī-kā-li'-mā-wat' he knows	ā'-hī where	i-a'-wate. O-nī'-nī they went. This
nīn'-gī'-kī my mothers	ī-ci'-mī-wa'-teī, they told me,	nīn'-gī-a my mother	Sā'-ka-kwāt' She Takes Hold
a-mī-sa'-īī her elder sister	Wa-pan'-gī-kwā. Swan woman.	Tcā'-kī All	to-sān'-ī-a'-kī the Indians
ki-o'-ca-kī old	ā-lam'-tan-gīk'. they believe it.	Sī-pi'-wī The river	Sa'-ki-wā-sī-pi'-wī Coming Out River
wēn'-dan-gik' they call it.	ā-hon'-djī from where	sa'-ka-teī-wā-wate'. they came out.	I-nī'-nī That
wi-on-gon'-djī on account of	nīn'-jī often	wēn-dī'-teī-teī'-kī they give names	Sā'-ka-kwāt', She Takes Hold,
Sā-ka'-ko-nang' He Grasps It,	Sā-ka'-ko-kwā. Holding Woman.		

The river referred to is the St. Joseph's, of Lake Michigan, and Sa-ki-wa-yun-gi is the name of South Bend. This fable teaches many things, and first the tendency of mankind to make stories to fit names. The obvious source of the story is the fact that in the early period the site of South Bend was the beginning of the portage to the Kankakee, and consequently the coming out place for travelers going that way, while the chief distinction of the river was that it was the way to reach the portage. Godfroy started with the statement that he got the story from Ki-tūn'-ga; but he winds up with the statement that his mother and aunt told him about it, and that all the old Indians believed it. It was a general tradition, and yet the common use of the portage had not been discontinued as much as a century when Godfroy was a boy. It was not used by the Miamis after they settled in Indiana, for they were never a "canoe people". La Potherie says of them: "They travel by water very rarely but are great walkers, which has

caused them to be called Metouseptinioueks, or Pilgrims". They did not use birchbark canoes in Indiana, partly because suitable birch did not grow here, and partly because a boat of that kind would soon be made useless by the stones and snags of our rivers. An Indiana Indian



GABRIEL GODFREY

(Wa'-pa-na-ki'-ka-pwa—or White Blossoms)

had little use for a boat except for hunting and fishing, and a dug-out was entirely satisfactory for these purposes. The French fur traders used bateaux or the large dug-outs called pirogues. In emergency, Indians, French and pioneer Americans would make a raft of logs tied together with vines, which the Canadians called a "cajeu."

The story also illustrates a habit of mind of the Indian. The first essential of wood-craft is to know "the reason of things", and he was constantly seeking them. An Indian will revert to anything unusual or strange again and again, until he works out some explanation for it. In this case the story is confirmed not only by the names of the place and the river, but also by the personal names. Indian babies were often named on account of some little peculiarity manifested in the first few days of their lives, and such names as these were originally adopted for infants that showed a disposition to clutch at objects, as many babies do, and later were still more widely spread by the practice of naming for relatives and friends. But all this was forgotten when such a fine theory of the name was presented. Such stories are common everywhere. Within fifty years the Winnebagoes invented a story that the name of Chicago originated from a monster manito skunk being seen to land at that place, whence the name "Place of the Skunk." In reality the name means "Place of garlic—or wild onions", the same stem, *ci-kag*, occurring in both words, as is conclusively shown by the testimony of Tonty, LaMothe Cadillac, and other early writers. In like manner the Romans made the story of Romulus and Remus to fit the name of Rome; and we have half-a-dozen wholly unfounded stories to explain the word "Hoosier".

As to the words of the story, it will be noted that some of them do not end with a vowel. This is due to the common practice of the Miami to abbreviate in ordinary conversation, just as we use *can't* and *don't*, when the context shows all that the ending would show. As to spelling, all Indian words in this book are in the uniform orthography recommended by Major Powell, of the Bureau of Ethnology, which may be briefly stated as follows: All unmarked vowels have the "Continental" force, which is, *e* as *a* in *fate* or *ey* in *they*; *a* as in *far*; *i* as in *pique*, or *e* in *me*; *o* as in *note*; *u* as in *rule*; *w* and *y* are always consonants, as in *wet* and *yet*. The short vowels are *ā* as in *bat*; *ē* as in *bet*; *ī* as in *bit*, and *ū* as in *but*. Others are *â* as in *law*, and *û* as in *pull*. The diphthongs are *ai* as *i* in *pine*; *au* as *ou* in *out*; *ai* as *oi* in *boil*. The consonants have their usual English force, with these exceptions: *g* is always hard as in *gig*; *c* is always soft as *sh* in *shall*; *tc* is sounded as *ch* in *chin*; *j* is as *z* in *azure*; *dj* is as *j* in *judge*; *q* represents a rare sound of *gh*, similar to German *ch*.

Finally, the story comes as near accounting for the origin of the *Miamis* as any offered elsewhere. In his speech to Gen. Wayne at the treaty of Greenville, The Little Turtle, the Miami head chief, said: "It is well known by all my brothers present, that my forefathers kindled the first fire at Detroit; from thence he extended his lines to

the headwaters of the Scioto; from thence to its mouth; from thence down the Ohio to the mouth of the Wabash; and from thence to Chicago, on Lake Michigan". This may possibly be true, but it certainly is not true, as he farther asserted, that the territory described "has been enjoyed by my forefathers, time immemorial, without molestation or dispute". Of assertions of title to this region, that can be considered historical, the one that reaches farthest back into the past is in a deed given by the Iroquois sachems to King William of England in 1701, and it is here presented as the starting point in Indiana history.

#### THE FIRST INDIANA DEED OF LAND<sup>1</sup>

*To All Christian & Indian People in This Parte of the World and in Europe Over the Great Salt Waters, to Whom These Presents Shall Come*—Wee the Sachims Chief men, Captns and representatives of the Five nations or Cantona of Indians called the Maquase Oneydes Onnandages and Sinnekes living in the Government of New Yorke in America, to the north west of Albany on this side the Lake Cadarachqui sendeth greeting—Bee it known unto you that our ancestors to our certain knowledge have had, time out of mind a fierce and bloody warr with seaven nations of Indians called the Aragaritkas whose chief comand was called successively Chohahise<sup>2</sup>—The land is scituate lyeing and being northwest and by west from Albany beginning on the south west side of Cadarachqui lake and includes all that waste Tract of Land lyeing between the great lake off Ottawawa (Lake Huron) and the lake called by the natives Sahiquage and by the Christians the lake of Swege (Lake Erie) and runns till it butts upon the Twichtwiehs (Miamis) and is bounded on the right hand by a place called Quadoge (near Chicago) conteigning in length about eight hundred miles and in bredth four hundred miles including the country where the bevers the deers, Elks and such beasts keep and the place called Tieugsachrondio, alias Fort de Tret or wawyachtenok (Ouiatanon) and so runs around the lake of swege till you come to place called Oniadarondaquat which is about twenty miles from the Sinnekes Castles which said seaven nations our predecessors did four score years agoe totally conquer and subdue and drove them out of that

<sup>1</sup> N. Y. Col. Docs. Vol. 4, p. 909. In his encyclopedic Narrative and Critical History of the U. S., Winsor, in discussing British claims based on this transfer, says: "No treaty exists by which the Iroquois transferred this conquered country to the English." Vol. 3, p. 564. He does not mention this deed, though he quotes documents that refer to this transaction, presumably not having noticed its existence.


<sup>2</sup> The chiefs of "the Neutral Nation" were called "Tachahissen" (Jesuit Relations, Vol. 21, p. 207) and the author of the Relation of 1641-2 expresses his belief that "the Neutral Nation" originally meant "all the other nations which are south and southwest of our Hurons."

country and had peaceable and quiet possession of the same to hunt bevers (which was the motive caused us to war for the same) for three score years it being the only chief place for hunting in this parte of the world that ever wee heard of and after that wee had been sixty years sole masters and owners of the said land enjoying peaceable hunting without any internegotion, a remnant of one of the seaven nations called Tionoudade (Hurons) whom wee had expelled and drove away came and settled there twenty years agoe disturbed our beaver hunting against which nation wee have warred ever since and would have subdued them long ere now had not they been assisted and succoured by the French of Canada, and whereas the Governour of Canada aforesaid hath lately sent a considerable force to a place called Tjeughsaghronde the principall passe that commands said land to build a Forte there without our leave and consent, by which means they will possess themselves of that excellent country where there is not only a very good soile but great plenty of all manner of wild beasts in such quantities that there is no maner of trouble in killing of them and also will be sole masters of the Boar (beaver) hunting whereby wee shall be deprived of our livelyhood and subsistance and brought to perpetual bondage and slavery, and wee having subjected ourselves and lands on this side of Cadarachqui lake wholly to the Crown of England wee the said Sachims chief men Captns and representatives of the Five nations after mature deliberation out of a deep sence of the many Royall favours extended to us by the present great Monarch of England King William the third, and in consideration also that wee have lived peaceably and quietly with the people of albany our fellow subjects above eighty years when wee first made a firm league and covenant chain with these Christians that first came to settle Albany on this river which covenant chain hath been yearly renewed and kept bright and clear by all the Governours successively and many neighbouring Governmts of English and nations of Indians have since upon their request been admitted into the same. Wee say upon these and many other good motives us hereunto moving have freely and voluntarily surrendered delivered up and forever quit claimed, and by these presents doe for us our heires and successors absolutely surrender, deliver up and for ever quit claime unto our Great Lord and Master the King of England called by us Corachkoo and by the Christians William the third and to his heires and successors Kings and Queens of England for ever all the right title and interest and all the claime and demand whatsoever which wee the said five nations of Indians called the Maquase, Oneydes, Onnondages, Cayouges and Sinnekes now have or which wee ever had or that our heires or successors at any time hereafter may or ought to have of in or to all that vast Tract of land or Colony called Canagariarchio beginning on the north-







west side of Cadarachqui lake and includes all that vast tract of land lying between the great lake of Ottawawa and the lake called by the natives Cahiquage and by the Christians the lake of Swege and runs till it butts upon the Twichtwicks and is bounded on the westward by the Twichtwicks by a place called Quadoge containing in length about eight hundred miles and in breath four hundred miles including the County where Beavers and all sorts of wild game keeps and the place called Tjeughsaghrondie alias Fort de tret or Wawyachtenock and so runs round the lake of Swege till you come to a place called Oniagarundaquat which is about twenty miles from the Sinnekes castles including likewise the great falls oakingaro, (Niagara) all which (was) formerly posset by seaven nations of Indians called the Aragaritka whom by a fair warr wee subdued and drove from thence four score years agoe bringing many of them captives to our country and soe became to be the true owners of the same by conquest which said land is scituate lying and being as is above expressed with the whole soyle the lakes the rivers and all things pertaining to the said tract of land or colony with power to erect Forts and castles there, soe that wee the said Five nations nor our heires nor any other person or persons for us by any ways or meanes hereafter have claime challenge and demand of in or to the premises or any parte thereof alwayes provided and it is hereby expected that wee are to have free hunting for us and the heires and descendants from us the Five nations for ever and that free of all disturbances expecting to be protected therein by the Crown of England but from all the action right title interest and demand of in or to the premises or every of them shall and will be utterly excluded and debarred for ever by these presents and wee the said Sachims of the Five Nations of Indians called the Maquase, Oneydes, Onnandages, Cayouges and Sinnekes and our heires the said tract of land or Colony, lakes and rivers and premises and every part and parcell thereof with their and every of their appurtenances unto our souveraigne Lord, the King William the third & his heires and successors Kings of England to his and their proper use and uses against us our heires and all and every other person lawfully claiming by from or under us the said Five nations shall and will warrant and for ever defend by these presents—In Witness whereof wee the Sachims of the Five nations above mentioned in behalf of ourselves and the Five nations have signed and sealed this present Instrument and delivered the same as an Act and deed to the Honble John Nanfan Esqr Lieutt Govr to our Great King in this province whom wee call Corlaer in the presence of all the Magistrates officers and other inhabitants of Albany praying our Brother Corlaer to send it over to Carachkoo our dread Souveraigne Lord and that he would be graciously pleased to accept of the same.

Actum in Albany in the middle of the high street this nineteenth day of July in the thirteenth year of His Majty's reign Annoque Domini 1701.




## SINNEKES SACHIMS

Tehouwaren		genie (L s).
Sonahao		wanne (L s).
Tosoquat		hoa (L s).





## MAQUASE SACHIMS

Taina		go (L s).
Oucher		anorum (L s).
Teoni		ahigrawe alias Hendrik (L s).
Tirogaren		alias Cornelis (L s).
Sinen		qufreso (L s).
Tanoch		rachhosa (L s).

## CATOWUGS SACHIMS

Sodsio		wanne (L s).
Thodaino		jago—(L s).
Nijuch		sagentisqua (L s).

## ONNANDAGE SACHIMS

Tegach		nawadiqua (L s).
Kach		wadochon (L s).
Taga		tschede (L s).
Sade		gannattie (L s).
Ach		rireho (L s).

## ONEYDE SACHIMS

Dega		ronda (L s).
Canada		gariaz (L s).
Tio		rachkoe (L s).

Sealed and delivered in the presence of us

Pr Schuyler  
J Jansen Bleeker Mayor  
Johs Bleeker Recorder  
John Abeel Alderman  
Johannes Schuyler Aldern  
David Schuyler Aldermn  
Wessells ten Broek Alderman  
Johannes Roseboom Alderman  
Johannes Cuyler Alderman

this is a true Copy

Dirk Wessels justice  
James Weemes  
Jonathan Broadhurst high Sheriff  
M. Clarkson Secretary  
S Clows Surveyor  
Rt. Livingston Secretary for the  
Indian affares  
John Baptist van Eps } Interprets  
Lawrence Claese }

(Signed) John Nanfan.

This deed was drawn, of course, by a representative of the British government, probably Nanfan, as he was the active agent in the matter, and is designed to make the Iroquois claim as strong as possible. The assertion of "peaceable and quiet possession" is as unfounded as the similar claim of The Little Turtle. But the general statement of the extent of the Iroquois conquest is confirmed by all English and French chroniclers who had any information on the subject, and its historical truth is beyond question. It is to be regretted that no more explicit information is given as to the "seven nations of Indians called the Aragaritkas", but even that was made more clear by others. In his letter of Nov. 13, 1763, when the interior of the country was very much better known than in 1700, Sir William Johnson said: "The Five nations having in the last Century subdued the Shawanese, Delawares, Twighties (Miami) & western Indians so far as lakes Michigan & Superior, . . . In right of conquest, they claim all the Country (comprehending the Ohio) along the great Ridge of Blew Mountains at the back of Virginia, thence to the head of Kentucke River, and down the same to the Ohio above the Rifts, thence Northerly to the South end of Lake Michigan, then along the eastern shore of said lake to Missilimackinac thence easterly across the North end of Lake Huron to the great Ottawa River (including the Chippawae or Missisagey Country) and down the said River to the Island of Montreal".<sup>3</sup>

Among the French, no one was better acquainted with the situation than LaSalle, and in his relation of 1679-80 he said of the Iroquois: "They are shrewd, tricky, deceitful, vindictive, and cruel to their enemies, whom they burn in little fires with torture and cruelty incredible. Although there are among them only about 2,500 warriors, as they are the best armed and most warlike of all North America, they have defeated and then exterminated all their neighbors. They have carried their arms on all sides to 800 leagues around, that is to say to the Gulf of St. Lawrence, to Hudsons Bay, to Florida, and even to the Mississippi. They have destroyed more than thirty nations, brought to death in forty years more than 600,000 souls, and have made desert most of the country about the great lakes".<sup>4</sup> In his letter to Frontenac, of Aug. 22, 1682, he says of the Iroquois: "Those who wish to hunt beaver, finding few north of the lake (Ontario) where they are comparatively rare, go to seek them towards the south, to the west of Lake Erie, where they are in great abundance; because, before the destruction of the Illinois, and of the Kentaientonga and Ganeiensaga, whom the Iroquois defeated a year since, and of the Chaouanons, Ouabachi, Tistontaraetonga, Gandostogega, Mosopolea, Sounikaeronons and Ochi-

<sup>3</sup> N. Y. Col. Docs., Vol. 7, p. 572

<sup>4</sup> Margry, Vol. 1, p. 504.



tagonga, with whom they have also been contesting for several years, they dared not hunt in these parts infested by so many enemies who had the same fear of the Iroquois, and little habit of profiting by the skins of these animals, having commerce with the English but very rarely, because they could not without great labor, time and risk."<sup>5</sup>

This is the most explicit statement of the situation as to Indiana, for this beaver land is necessarily northern Indiana, and probably these seven tribes named by LaSalle are "the seven nations". The Chaouanons (Shawnees) and Mosopolea (or Mousoupolea) had fled into Kentucky and Tennessee, and are so located on the map of Father Marquette in his voyage down the Mississippi, in 1673. He says in his journal the Shawnees "are the people the Iroquois go far to seek in order to wage an unprovoked war upon them",<sup>6</sup> The Gandostogega were the Conestogas. By the Ouabachi he evidently means the people living on the Wabash river, and by the Tistontaraetonga the people living on the Maumee, for he says elsewhere that the Iroquois called the Maumee "Tiotontaraeton".<sup>7</sup>

This extraordinary war, which so profoundly affected Indiana, began before the year 1600, between the Adirondacks, who were the tribe specifically called Algonkins by the French, and the Iroquois. It was in progress when the French made their first settlement in Acadia, lasted for a century, and affected the attitude of the Indians in all of our early wars. Colden gives a long account of it, beginning: "The Adirondacks formerly lived three hundred Miles above Trois Rivieres, where now the Utawawas are situated; at that time they employ'd themselves wholly in Hunting, and the Five Nations made planting of Corn their Business. By this Means they became useful to each other, by exchanging Corn for Venison. The Adirondacks, however, valued themselves as delighting in a more manly Employment, and despised the Five Nations, in following Business, which they thought only fit for Women". The Adirondacks treacherously murdered five Iroquois youths, and this brought on a quarrel, which led the Adirondacks to make war on the Iroquois. Colden continues: "The Five Nations then lived near where Mont Real now stands; they defended themselves at first but faintly against the vigorous Attacks of the Adirondacks, and were forced to leave their own Country, and fly to the Banks of the Lakes where they live now. As they were hitherto Losers by the War, it obliged them to apply themselves to the Exercise of Arms, in which they became daily more and more expert. Their Sachems, in order to raise their People's Spirits, turned them against the Satanas, a less warlike

<sup>5</sup> Margry, Vol. 2, p. 237.

<sup>6</sup> Shea's Disc. and Exp. of the Miss., p. 42.

<sup>7</sup> Margry, Vol. 2, p. 243.

Nation, who then lived on the Banks of the Lakes; for they found it was difficult to remove the Dread their People had of the Valour of the Adirondacks".<sup>8</sup>

The Iroquois soon subdued and drove out the Satanas, which is their



ATTACK ON IROQUOIS FORT  
(After Lafitau)

name for the Shawnees, and then turned their attention to the Adirondacks, whom they finally overcame. As refugees from a defeated tribe took refuge with another tribe, the Iroquois attacked their host and so the war spread from tribe to tribe. The chief cause of Iroquois success

<sup>8</sup> Hist. of the Five Nations. London, 1748, p. 22.

was that they obtained fire-arms from the Dutch before the other tribes secured them; but even with this advantage they could not have endured their losses in battle but for their practice of adopting captive children and bringing them up as Iroquois. The statement of Colden is confirmed on the French side by the Jesuit Relation of 1659-60, which states that the war began in the preceding century, and that the Iroquois had the worst of it until the Dutch settled at Manhattan, and furnished them with fire-arms. It says that by virtue of these weapons "they actually hold dominion for five hundred leagues around, although their number is very small". It estimates their warriors at only 2,000, and adds: "If anyone should compute the number of pure-blooded Iroquois, he would have difficulty in finding more than twelve hundred of them in all the Five Nations, since these are, for the most part, only aggregations of different tribes whom they have conquered,—as the Hurons; the Tionnontatehronnons, otherwise called the Tobacco Nation; the Atiwendaronk, called the Neutrals when they were still independent; the Riquehronnons, who are the Cat Nation (Erie) the Ontwagannhas, or fire Nation; the Trakwachronnons, and others, who, utter Foreigners although they are, form without doubt the largest and best part of the Iroquois".<sup>9</sup>

This concurrent testimony fairly establishes the Iroquois declaration that they drove all of the inhabitants out of Indiana about the year 1621; and it is certain that when the French first came in contact with the tribes known as Indiana Indians they were located far to the west. In a description of "the recently discovered nations" in 1657-8, and their location with reference to the new missionary establishment of St. Michel, which was on the Bay of the Puans, or Green Bay, on the west side of Lake Michigan, the following passages occur:

"The fifth nation, called the Aliniouek (Illinois) is larger; it is computed at fully 20,000 men and sixty villages, making about a hundred thousand souls in all. It is seven days journey westward from St. Michel.

"The sixth nation, whose people are called Oumamik (Miamis) is distant sixty leagues, or thereabout, from St. Michel. It has fully eight thousand men, or more than twenty-four thousand souls".<sup>10</sup>

Even here the Iroquois followed them, and within a few years part of them were driven beyond the Mississippi, where the Illinois and the Wawiatanons (Weas) are located on Joliet's map of 1674. There was one Miami tribe, however, known as the Miamis of Maramech, which remained throughout this period on the Wisconsin river with the Kickapoos and Mascoutins, and of this joint settlement the Relation of 1671 says: "They have together more than three thousand souls, being able

<sup>9</sup> Jesuit Rel., Vol. 45, p. 203-7.

<sup>10</sup> Jesuit Relations, Vol. 44, p. 247.

to furnish each four hundred men to defend themselves from the Iroquois, who come to seek them even in these distant lands'.

In the Relation of 1672-4, Father Allouez describes this joint settlement on the Wisconsin as composed of "twenty cabins of ilinoues (Illinois) thirty large cabins of Kikabou (Kickapoos) fifty of Mascoutench (Mascoutins) over ninety of miamiak (Miamis) and three of ouaouiatanoukak (Ouiatanons or Weas)". Later in the same document, having mentioned the mission to the Potawatomis at Green Bay, and that to the Outagamis west of it, he says: "Still farther to the westward, in the woods, are the atchachakangouen<sup>11</sup>, the Machkoutench, Marameg, Kikaboua, and Kitchigamieh; the village where the atchachakangouen are, and whither come the Ilinoue, the Kakaekioueck (Kaskaskias), Peoualen (Peorias), ouaouiatanouk, memilounioue, pepikoukia, kilitika, mengakoukia, some for a short time, others for a long time. These tribes dwell on the Banks of the Mississippi, and all speak the same language"<sup>12</sup>.

The changes of location of these tribes in the next thirty years were due to French influence, and the only record of any of them being within Indiana in that time is LaSalle's statement of finding a mixed village of Miamis, Mascoutins and Ouitanons at the west end of the South Bend portage in 1679; and he says of them: "The Miamis lived formerly at the west of the Lake of the Illinois; whence, from fear of the Iroquois, they fled beyond the Mississippi, where they established themselves. The Jesuit fathers sent them presents for several years to induce them to return to their old homes, and they concluded finally to detach a party who located at the head of the Teatiki (Kankakee) river"<sup>13</sup>. LaSalle recurs to this in his letter of Aug. 22, 1682, as follows:

"The Miamis had formerly been forced to abandon their ancient territory by fear of the arms of the Iroquois, and had fled to that of the river Colbert (Mississippi) towards the West, among the Otoutanta (Otoes), the Paote (Iowas) and the Mascoutins Sioux who received them four years ago. Having made their peace with the Illinois, a part of these same Miamis, invited by presents from the Jesuits who live at Green Bay, moved nearer them, under the conduct of Ouabichagan, which is to say the White Necklace, chief of the principal tribe named Tehatchakigooa, which is to say in their language the Crane, and of one named Schaouae, which is to say the Eagle. This nation established

<sup>11</sup> Elsewhere called Tehatchakigooa, who were the Crane clan of the Miamis, called Twigh-twighs, or Twightwees by the Iroquois and English, who were later located at Fort Wayne; and who were called "Elder Brothers" by the other Miamis.

<sup>12</sup> Jesuit Relations, Vol. 58, pp. 23, 41.

<sup>13</sup> Margry, Vol. 1, p. 505.

itself to the West of the lake of the Illinois, on this side of the great river and had much commerce for several years with the Jesuit Fathers".<sup>14</sup>

The return movement to the east will be considered in connection



IROQUOIS CAPTIVES

(After Lafitau. Above, at night; below, by day)

with the French establishments, but it may be mentioned here that LaSalle's activities aroused the Iroquois to more vigorous efforts. When they were taken to task by M. de la Barre, in council, in 1684, for attack-

<sup>14</sup> Margry, Vol. 2, p. 215.

ing the French, the Iroquois chief Grangula replied: "We have robbed no Frenchmen but those who supply'd the Illinese and the Oumamis (our enemies) with fuses, with powder, and with ball; these indeed we took care of because such arms might have cost us our life. • • • We fell upon the Illinese and the Oumamis because they cut down the trees of peace, that serv'd for limits or boundaries to our Frontiers. They came to hunt Beavers upon our lands; and contrary to the customs of all the savages, have carried off whole Stocks, both Male and Female",<sup>15</sup>

After the destruction of LaSalle's establishment on the Illinois, Father Jean de Lamberville reported from the Iroquois: "Last year they brought 700 Illinois captives, all of whom they keep alive. They killed and ate over 600 others on the spot, without counting those whom they burned on the road. They saved the children who could live without the milk of their mothers, whom they had killed; but the others were cruelly roasted and devoured. • • • They are beginning to attack some of our allies called the Oumiamis, a nation of the bay des Puants, and they have already burned 6 or 7 of these, without counting those whom they have massacred".<sup>16</sup> On Nov. 4, 1686, he wrote: "The army of 200 Senecas returns this month of September to the country of the Omiamicks, 500 of whom they say they brought away or took prisoners".<sup>17</sup>

In 1687, in reply to Gov. Dongan's appeal to them to make peace with the Western tribes, and secure the beaver trade for the English, the Iroquois replied: "As for the Twichtwicks Indians, who are our mortal enemies, and have killed a great many of our people a Beaver hunting, wee know not whether wee can effect a peace with them; nevertheless upon our Excellency's desire wee will try and doe our endeavour".<sup>18</sup> But peace was not to come from their efforts. That same year Gov. Denonville of Canada with a French force, to which were joined a hundred and eighty *coureurs de bois* and a large body of western Indians, including Miamis and Illinois, invaded the Seneca country and inflicted a severe defeat on them. His Indian allies celebrated the victory by eating twenty-five of their Iroquois enemies, and it is probable that no other meal ever served in the state of New York gave greater satisfaction to the guests. This banquet marked the termination of Iroquois terrorism in the western regions. The Iroquois turned on the French, and in the war that raged along the St. Lawrence their strength was so broken that they became cautious about attacking

<sup>15</sup> Thwaite's *La Hontan*, pp. 81-2.

<sup>16</sup> *Jesuit Relations*, Vol. 62, p. 7.

<sup>17</sup> *N. Y. Col. Docs.*, Vol. 3, p. 489.

<sup>18</sup> *N. Y. Col. Docs.*, Vol. 3, p. 443.

the western tribes, who were now as well armed as themselves; and with the exception of an unsuccessful attack on Fort Miamis in 1695, there was no further trouble from them in the western country.

This Fort Miamis was at the site of Chicago. At that time La Mothe Cadillac was the French commander in the west, and in his Relation of 1695, after describing the Indian locations west of Lake Michigan, he says: "The post of Chicagou comes next. This word signifies the River of Garlic, because a very great quantity of it is produced naturally there without any cultivation. There is here a village of the Miamis, who are well-made men; they are good warriors and extremely active. We find next the river of St. Joseph. There was here a fort with a French garrison, and there is a village of this same nation of Miamis. This post is the key to all the nations which border the north of Lake Michigan, for to the south there is not any village on account of the incursions of the Iroquois; but in the depths of the north coast country and looking toward the west there are many, as the Mascoutins, Piankeshaws, Peorias, Kickapoos, Iowas, Sioux and Tintons".<sup>19</sup> In other words, the Miamis had begun moving to the east, but had not ventured farther than these two posts at Chicago and LaSalle's old fort at the mouth of the St. Joseph, and south of these "there is not any village". In 1696 Father Pierre Francois Pinet established his mission of L'Ange Gardien just north of Chicago, and there were said to have been two villages of Miamis in its vicinity, numbering three hundred cabins.<sup>20</sup>

In the meantime the Miamis had become involved in war with the Sioux, and LaMothe Cadillac states that in 1695 the Sioux treacherously attacked them, and killed three thousand of them.<sup>21</sup> This prolonged and destructive warfare makes somewhat credible the large early estimates of the numbers of these tribes, as compared with those of later date. In 1718, M. De Vaudreuil reported the strength of the Miamis, Ouïatanons, Piankeshaws and Pepikokias, then composing the Miamis nation proper, at fourteen to sixteen hundred warriors. The French estimates of 1736 gave the Miamis only 550 warriors and the Illinois 600.<sup>22</sup> The English estimates of 1763 gave the Miamis 800 warriors, and the estimate of Col. Bouquet and Capt. Hutchins, in 1764, gives the Miami tribes one thousand warriors.

As Father Allouez says, all of these tribes of the Illinois and Miamis spoke the same language, but with one material dialect difference which divided them into two nations, as named; but the dialects are commonly

<sup>19</sup> Margry, Vol. 5, pp. 123-4.

<sup>20</sup> Shea's Catholic Church in Colonial Days, p. 537.

<sup>21</sup> Margry, Vol. 5 p. 323.

<sup>22</sup> N. Y. Col. Docs., Vol. 9, p. 1052.

known as the Miami and the Peoria, the latter word having become synonymous with "Illinois". In the Peoria (properly Pi-o'-ri-a) there is no sound of "l", and where that sound occurs in the Miami it is replaced by the sound of "r"; while in the Miami there is no sound of "r", and the substitution is reversed. The cities of Peoria, in Illinois, and Paoli, in Kansas, are continuing memorials of this difference in dialect. The names given by Father Allouez are in the Miami form. Ilinioue means "he is a man", but what a member of that nation called himself was I-ri'-ni-wa. The name Miami is used by the other division but it is not of their language, for they cannot give any meaning for it. It is most probably the name given them by the Delawares, Wemiamiki, which means "all beavers", or figuratively, "all friends—or relatives". The tribes that were located in Illinois during the English and American periods used the Peoria dialect, and those located in Indiana used the Miami dialect. Of the tribal names, Mascoutin is practically translated in the English name "Fire Nation", and Kickapoo is derived by Schoolcraft from n'gik'-a-boo, or "otter's ghost". These two tribes were not members of the Illinois-Miami nation, but were closely related to it.

Marameg, otherwise written maramak or maramech, is the Peoria word for catfish. The old chroniclers usually made the Miami form malamak, and the Chippewa form manamak. This was a common Algonquian name for streams, which we have preserved in the Merrimac of New England, and the Maramec of Missouri. Kitchigami means great water, and probably implies residence near one of the great lakes. Kaskaskia is kak-kak'-ki-a, which is their name for the katydid. Pi-o'-ri-a, Pe-o-li-a or Pe-wa-li-a, which are forms of the same word, is the Miami pā-wa'-li-a, or prairie-fire. Ouaouiatanon is presumably wa-wi'-a-tan'-wi, an eddy, literally "it goes in a round channel", with the terminal locative. It is necessarily a place name, but it might refer to any place where there was an eddy, and there is no tradition of what place is meant. George Finley, who is of Piankeshaw descent, thinks that Piankeshaw is from pi-an-gi'-sa, which means "they separated, or went apart, unwittingly", which is very plausible. But the Gravier mss. dictionary, which is preserved in the Watkinson library at Hartford, Conn., gives the meaning, "slit ears"; and Godfroy said the idea it conveyed to him was of "something scattered about the ears". Possibly it refers to an old Miami custom of hair-dressing. In the Relation of 1670-1, Father Allouez says that the Ottawas wear their hair "short and erect", and that the Illinois "clipping the greater part of the head, as do the above named people, they leave four great mustaches, one on each side of each ear, arranging them in such order as to avoid incon-



venience from them".<sup>23</sup> The meaning of *Pepikokias* is lost, as is their identity. They united with the *Miamis* of *Maramech* in locating on the *Kalamazoo* river, in Michigan, about 1700, and it is probable that these two constituted what were known as the *Eel River Indians* in Indiana.

The *Miamis* of today have lost even the tradition of their ancient mythology, though they retain some of its ideas and customs. It is known historically that they had the same general beliefs as the other *Algonquian* tribes; and these are set forth most satisfactorily by *Nicolas Perrot*, who was almost constantly with these tribes, and especially with the *Miamis*, from 1665 to 1699. Father *Charlevoix* took most of his material on this subject from *Perrot's* memoir. As there is a very general misconception of their beliefs, it is worth while to reproduce here a part of *Perrot's* statement:

"It cannot be said that the Indians profess any doctrine; it is unquestionable that they do not follow, so to speak, any religion. They observe merely some judaic customs, for they have certain feasts in which they do not use a knife to cut cooked meats, but devour them with the teeth. The women have also the custom when they give birth to children, to be for a month without entering the lodge of their husband, and they cannot during this time eat with men, or of what has been prepared by men. For them special cooking is done.

"The Indians have, for their principal divinities, the Great Hare, the sun, and the *manitos* (*diables*), I mean those who are not converted. They invoke most often the Great Hare, because they respect and adore him as the creator of the land, and the sun as the originator of light but if they put the *manitos* in the number of their divinities, and invoke them, it is because they fear them, and ask life of them when they make their invocations. Those among the Indians whom the French call *medicine-men* (*jongleurs*) speak to the demon that they consult concerning war and the chase.

"They have many other divinities, to whom they pray and which they find in the air, on the earth, and in the earth. Those of the air are the thunder and the lightning, and, in general, all that they can see but are unable to comprehend, as the moon, eclipses, and the whirlwinds of unusual winds. Those which are on the earth consist of all evil and harmful creatures, particularly the serpents, panthers, and other animals or birds similar to griffons.<sup>24</sup> They also include those which are extraordinary for beauty or deformity among their kind. Those which are in the earth are the bears, which pass the winter without eat-

<sup>23</sup> *Jesuit Relations*, Vol. 55, p. 217.

<sup>24</sup> *Champlain* reported and pictured the griffon in the fauna of the country, from the descriptions of the natives.

ing, nourishing themselves only by the substance which they draw from the navel by sucking. They regard in this way all the animals that sojourn in caverns and holes, which they invoke when, in sleeping, they have dreamed of any of them.

"They make for these kinds of invocations a feast of food or tobacco, to which the old men are invited, and relate in their presence the dream



THE GRIFFON

(From *Oeuvres de Champlain*, Quebec Ed. 1870)

which they have had as the cause of the feast, which they owed to the one of whom they had dreamed. Then one of the old men acts as spokesman, and, naming the creature to which the feast is given he addresses to him the following words: 'Have mercy on him who offers to thee (mentioning each thing offered by name); have mercy on his family; grant to him whatever he needs'. All the assistants respond in unison 'O! O!' many times, until the prayer is concluded; and this word 'O' signifies the same with them as it does with us".

This illustrates the only kind of prayer to the manitos (*ma-nét'-o-*

wa'-ki) that the Miamis use at present, or probably used at that time, i. e. supplication accompanying an offering. The fundamental concept of the Miami faith is that there is "no getting something for nothing". This is, due to the character of the manitos, for outside of the ideas inculcated by Christian teaching, they have no conception of any supernatural being that is absolutely good or absolutely bad. All of them can be placated, and will treat you well if placated, but are liable to do you an injury if not placated. And these prayers, invocations and feasts are not to the earthly animals named by Perrot but to the spirit, or manito animals of the same name. The earthly animals are regarded as the descendants of the spirit animal, or as under its special protection, and may receive consideration on that account, but they are not objects for prayer or invocation, and never were. Neither are there now any of the formalities of assemblage mentioned by Perrot. The modern practice, for it still continues to some extent with the old people, and this without regard to their professions of Catholic or Protestant faith, is for the person making the offering to address the manito direct, calling him Ni-mā'-co-mi'-na (our grandfather) or, in abbreviated form, Mā'-ca. In the address, however, they use "secret words", that I have never been able to learn.

The Great Hare, otherwise known as Michaboo, Manabozho, Nana-bozho Nanaboush, Messou, Oisakedjak, etc., was perhaps the nearest approach to a beneficent supernatural in the Miami theogony. They have lost all trace of him now except in their legends of Wi-sa'-ka-teak'-wa, who was the incarnation of Michaboo, and who was not a worshipful character as presented in these legends. This is no doubt the result of a prolonged debasement of the original conception. As Brinton aptly puts it: "This is a low, modern and corrupt version of the character of Michaboo, bearing no more resemblance to his real and ancient one than the language and acts of our Savior and the apostles in the coarse Mystery Plays of the Middle Ages do to those revealed by the Evangelists".<sup>25</sup>

The Miami theory of creation starts with the proposition that "there was nothing but water before the earth (i. e. the visible earth, the dry land) was created; and that on this vast expanse of water floated a great raft of logs, on which were all the animals of all kinds that are on the earth, of which the Great Hare was chief". The Great Hare told the animals that if he could get some earth from beneath the water, he could make a land large enough for them to live on. The beaver was first induced to dive for this purpose, but after a long stay came up insensible from exhaustion, and unsuccessful. The otter then tried,

<sup>25</sup> The Myths of the New World, p. 194.

but with no better success. Then the muskrat went down, and after a stay of twenty-four hours came up insensible; but in one of his clenched paws they found a grain of sand, from which Michaboo made an island.

They proceeded to occupy this island, which was increased from time to time by Michaboo until it became the continent; and when one of the animals died Michaboo would take its body and make a man of it, as he did also with the bodies of fish and animals found on the shores. This was the ascribed reason for the animal totems of the various clans, and their claimed descent from various animals. It will be noted that Michaboo required matter with which to create anything. The Indians had no conception of creation by fiat, or of making something from nothing. They believed that matter was eternal, and, as Perrot says, "In regard to the ocean and the firmament, they believe that these were from eternity". This creation legend had numerous variant forms.<sup>26</sup> In several of these the story of Michaboo appears to be a flood legend instead of a creation legend; and this is true of one recorded even earlier than that of Perrot. In his Relation of 1633, Father LeJeune records the Montagnaise legend of Messou, their Michaboo, who offended certain water manitos; and they brought on the flood, from which he restored the earth.<sup>27</sup> But in all of these the deluge was prior to the creation of man by Michaboo; and this fact must be kept in mind in considering the Indian conception of divinity.

It is singular that Michaboo and MI'-el-bi'-si are confused in some authoritative works,<sup>28</sup> as they were not only distinct, but also enemies, and both of them are frequently mentioned by travelers. MI'-el-bi'-si is the Chippewa name of the panther, or as La Hontan puts it: "The Michibichi is a sort of Tyger, only 'tis less than the common Tyger, and not so much speckl'd".<sup>29</sup> The Spirit Panther, which bears this same name of MI'-el-bi'-si (i. e. the big cat) was "the god of the waters" or "the manito of the waters and the fishes".<sup>30</sup> He was supposed to dwell in deep places where the water seems to boil up in lakes and rivers, and this motion of the water is caused by moving his tail. The Indians offered him gifts to secure his aid in fishing, and to secure protection

<sup>26</sup> See Journal of Am. Folk Lore, Vol. 4, p. 193; Report Bur. of Ethnology, 1892-3, pp. 161-209; Emerson's Indian Myths, pp. 336-71; Peter Jones and the Ojibway Indians, p. 33; Kohl's Kitchigami, p. 386; Algic Tales, Vol. 1, p. 166.

<sup>27</sup> Jesuit Relations, Vol. 5, p. 155; Vol. 6, p. 157.

<sup>28</sup> Brinton's Myths of the New World, p. 197; Jesuit Relations, Vol. 50, p. 328.

<sup>29</sup> Thwaites's La Hontan, p. 345.

<sup>30</sup> Jesuit Relations, Vol. 50, p. 289; Vol. 54, p. 155; Vol. 67, p. 159; Blair's Indian Tribes, Vol. 1, p. 59.

from the dangers of navigation. These dangers were frequent in the use of birch-bark canoes, and whenever the lakes were rough the missionary passengers were grieved by the idolatry of the Indians, who believed in "safety first" when it could be obtained by throwing a little tobacco to *Mi'-ci-bi'-si*. The French travelers sometimes called this manito *L'Homme Tyger*, because he was represented as having the face of a man.

The Miami name of this manito is *Lën'-ni-pîn'-ja*, or the Man-Cat, and a pool where he is residing is called *Lën'-ni-pîn'-ja-ka'-mî*. There is one of these places on the Mississinewa river, and there are some startling legends concerning events there. He is also the "spirit" that was supposed to inhabit Lake Manitou, in Fulton County; and he gives the name to the Shawnese clan to which Tecumtha belonged of Manetuwi *Msi-pessi*, of which it is said: "The *Msi-pessi*, when the epithet miraculous (*manetuwi*) is added to it, means a 'celestial tiger,' i. e., a meteor or shooting star. The *manetuwi msi-pessi* lives in water only, and is visible not as an animal, but as a shooting star."<sup>31</sup> But the activities of this manito are not confined to the water. He corresponds to the "Fire Dragon" of other mythologies; and when they see a meteor, the old Miamis say that it is *Lën'-ni-pîn'-ja* going from one sea to another. Godfroy said that the reason he stayed in deep waters was to avoid setting the world on fire; but Finley said that it was to avoid danger of being harmed by *Tcing'-wî-a*, the Thunder, who is a sort of American Thor. Although not now worshipped, *Tcing'-wî-a* is still regarded as a manito, but the lightning is considered the effect of his blows. Hence, the Miamis do not say that anything has been struck by lightning, but by Thunder. Finley says that one of *Lënni-pîn'-ja*'s horns is white, and one blue.

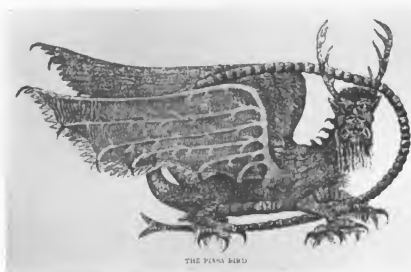
In this connection, it is of interest to refer to the celebrated pictured rocks which were formerly on the Mississippi river just above Alton, but which have now been quarried away. When Father Marquette made his first trip down the Mississippi he had been warned against it by the Menominees, who told him that the great river was "full of horrible monsters, which devoured men and canoes together", and that at one point there was a demon that barred navigation.<sup>32</sup> He made light of the warning, but apparently was on the lookout for them; and he saw one, for he says: "We saw on the water a monster with the head of a tiger, a sharp nose like that of a wildcat, with whiskers and straight erect ears. The head was gray and the neck quite black; but we saw

<sup>31</sup> Report Bureau of Eth. 1892-3, p. 682.

<sup>32</sup> Jesuit Relations, Vol. 59, p. 97.

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no more ereatures of this sort".<sup>33</sup> A little later, when he reached the pictured rocks, he wrote: "While skirting some rocks, which by their height and length inspired awe, we saw upon one of them two painted monsters which at first made us afraid, and upon which the boldest savages dare not long rest their eyes. They are as large as a calf: they have horns on their heads like those of a deer, a horrible look, red eyes, a beard like a tiger's, a face somewhat like a man's, a body covered with scales, and so long a tail that it winds all around the body passing above the head and going back between the legs, ending in a fish's tail".



MARQUETTE'S MONSTER

(Lën'-ni-pin'-ja, or Man-Cat of the Peorias and Illinois; Mi-el-bi'-sī, of the Northern tribes.)

This rock, which had numerous other pictographs in addition, has been quite a puzzle to antiquarians, and has been known as "the Piasa Rock" since William McAdams published his "Record of Ancient Races in the Mississippi Valley", in 1887, in which he said it was so called. Mr. McAdams was a farmer of the vicinity, who took great interest in prehistoric matters, and he performed a real service by preserving two pictures of Marquette's monsters. The best one, which is labeled "Flying Dragon", and inscribed "Made by Wm. Dennis, April 3d, 1825", is reproduced here.<sup>34</sup> McAdams says: "The name Piasa is Indian, and signifies in the Illini 'The Bird which devours men'".

<sup>33</sup> Jesuit Relations, Vol. 59, p. 111.

<sup>34</sup> Both pictures were reproduced in the Report of the Bureau of Ethnology, with an extended discussion, in 1892-3, p. 640.

There is no such word in the Illinois, and it would not have that meaning if there were. Amos Stoddard came nearer to it seventy-five years earlier, when he wrote: "What they (Joliet and Marquette) call Painted Monsters on the side of a high perpendicular rock, apparently inaccessible to man, between the Missouri and Illinois, and known to the moderns by the name of Piesa, still remain in a good state of preservation."<sup>35</sup> That this was the early pronunciation is shown by the following entry in the Executive Journal of Indiana Territory: "January 1st, 1807. A Liscence was granted to Eli Langford to keep a ferry on the east side of the Mississippi in St. Clair County above the mouth of the Missouri and two miles from Pyesaw Rock."<sup>36</sup>

The Illinois and Miami name is Pa-i'-sa, plural Pa-i'-sa-ki, which is the name of a race of "little men" corresponding to the elves and kobolds. They are rather friendly to men, and will not injure you unless you intrude on their preserves. They live under the water usually, and are the same people who were said to make arrow-heads for Indians in the preceding chapter. When an Indian dies, two of them come to guide his spirit over the Milky Way, which is the path of departed spirits to the "happy hunting grounds". The monster represented is Lěn'-nī-pīn'-ja, or Mī'-cī-bī'-sī, and his picture was probably believed to have been placed there as warning of the Lěn'-nī-pīn'-ja-ka'-mī, which Marquette found at the mouth of the Missouri, five miles farther down. It is probable that the stories of a race of dwarfs in this country originated in Indian legends of the Pa-i'-sa-ki, just as the report of griffons came from their Mī'-cī-bī'-sī stories.

In the earliest Peoria and Miami texts and vocabularies, the word used for "God" is Kī'-cī-ma-nēt'-o-wa (The Great Spirit—varied in other dialects to Gl'-tē-ma-nī'-to, etc.), and this is still used by some of the Algonquian tribes for the white man's God. With the Miamis it has been dropped so completely that I have never found a Miami who had heard the word, though they all understood its primary meaning at once. In 1797, when Volney obtained his Miami vocabulary, he gave for "God" the alternative, "Kitchi Manetoua or Kajehelangoua". The latter word, Kā'-cī'-hī-lan'-gwa, means literally "he who made us all", and unquestionably in its original use referred to Michaboo. But both of these words are now out of use, and Kā'-cī'-hī-wī-a, i. e. the Creator, is now used for "God". The explanation of this is that Kī'-cī-ma-nēt'-o-wa was the name of the Great Serpent, who was not a beneficent spirit, but merely the most powerful of the manitos, and with rather a

<sup>35</sup> Sketches of Louisiana, Phila. 1812, p. 17.

<sup>36</sup> Ind. Hist. Soc. Pubs. Vol. 3, p. 138.

worse disposition than most of them. He was an enemy of Michaboo, and altogether corresponded more nearly to the old world conception of the devil than to the conception of God. The Miamis and Illinois were more rapidly Christianized than any of the other western tribes, and, no doubt, when the true character of KI'-ci-ma-nēt'-o-wa was learned by the missionaries, their influence was used to discontinue the use of the



SARAH WADSWORTH

(Wi-ka'-pī-min-dja, or The Linn Tree. A Wea woman, native of Indiana)

word. I am confident that the Miamis never had any conception of a divine, omnipotent, beneficent spirit, similar to the Christian, Jewish, or Platonic conceptions of God, until they got it from the missionaries; and I think this was true of all the Indians.

In his dealings with the manitos, the Miami took no chances; and therefore, in addition to offerings and prayers, if he knows any charms that will prevent injury, he uses them also. In proposing an offering



one says to another: "A-ko'-lā (smoke) nā-ma'-wa-ta'-wī (let us offer) ki-mā'-co-mi'-na (our grandfather). Grandfather is the most respectful and endearing term that can be used to an elder or superior; in familiar usage it is shortened to Mā'-ca. Tobacco, which is especially agreeable to all intelligent manitos, is smoked and puffed out towards the location of the manito, or sometimes thrown on the fire to ascend in smoke or thrown into the water or the air. The word for sacrifice implies throwing.

In addition to tobacco, the old Miamis use a mixture of the common everlasting (*Gnaphalium polycephalum*), which the Weas call pā'-wā'-ki'-ki, and the Miamis pāt-sa'-ki (odorous), and the leaves of the red cedar. These are dried, rubbed to powder in the hands, and thrown to the manito. This is accompanied by a prayer: "Ni-mā'-co-mi'-na (our grandfather) lam-pā'-na-ci'-so-la'-mā (do not harm us) ki-tā'-ma-kī-ā'-li-mi-lo'-mā (have mercy on us)". Sarah Wadsworth (Wi-ka'-pa-min'-dja, or Linn Tree) informed me that one day an ugly cyclone cloud was moving down from the North towards their house, in Oklahoma, when she ran out on one side of the house and offered the above incense and invocation; and, unknown to her, Aunt Susan Medicine (Wa'-no-kam'-kwā, or Fog Woman) went out on the other side and did the same. They each also threw out a shovelful of hot coals, which the storm manito cannot cross. The cloud broke in two, and the two parts went around them without injury. The Miamis had a small variety of tobacco, which they raised themselves, that was used for offerings.

Some of the most lasting of their old beliefs are in their funeral customs. With little regard to their Christian affiliations, the Miamis believe in the immortality of the soul; and they do not believe in the existence of a hell. They believe in a "happy hunting ground", which they call a-tci'-pai-a ā'-hī wi-a'-kī-wa'-tci (where the spirit dwells) This delightful spirit land is reached by a long road, including what we call the Milky Way, and which the Miamis call a-tci'-pai-i-ka-na'-wā (the spirit path). This was the original Algonquian belief, as Father Le Jeune recorded it in 1634: "They call the milky way Tchapai meskanau, the path of souls, because they think the souls raise themselves through this way in going to that great village".<sup>37</sup> In their funerals, at least until quite recently, they observed the Indian ceremonial, whether accompanied by Christian services or not. In this some prominent or old person takes position at the foot of the grave, and delivers an address to the dead, which they call pā'-ko'-ma-ta. A typical form of this address, which is varied more or less at the will of the speaker, is as follows:

<sup>37</sup> Jesuit Relations, Vol. 6, p. 181.

Ní'-ka í'-ei-non'-gí ā-in'-gwí-lāt'-kwí      mí'-to-sā'-ní-wi'-a-ní  
 Friend, as it is now you have come to the end you were living

I-a'-kwa-mí'-sī-lo' ā-í'-cí í'-a-í'-a-ní.      A-pwā-lap'-so-lo'.      Wís'-sa  
 Make every effort where you are going. Do not look back. Many

ka'-tí ko-tā'-lí-wa'-kí; ka'-tí sā'-kí-ha'-kí.      I-a'-kwa-mí'-sī-lo';  
 will they tempt you; will they frighten you. Do your best;

í'-cí-ka'-tí nā-wa'-teí,      ā-wā'-man-gwí'-kí mīn'-dji-ma'-ha  
 then will you see him, our relatives      long ago

nā-wā-teí'-kí.      I-a'-kwa-mí'-sī-lo'; í'-cí-ka'-tí nā-pīl-sa'-teí,  
 you see them.      Do all you can; then will you get to him,

kí-mā-co-mí'-na.      Nā-nā'-ta-wí mī-kwā'-lí-ma-ka'-nī kí-mā'-co-mí'-na.  
 our grandfather. Always      you think of him, our grandfather.

It will be noted that in this address the important personage of the spirit world is not Kā-ci'-hí-wi-a, but Kí-mā'-co-mí'-na; and this originally meant Michaboo. Those in attendance at the funeral, who so desire, throw bits of earth into the grave, the object of which is to prevent the spirit from returning to trouble them. They dislike spiritual visitations, and when apprehensive of them, they made a circle of ashes about the lodge, or house, which the spirits cannot cross. They also used a vegetable "medicine" called black root (mā-ka'-ta-wa-teíp'-kí),<sup>38</sup> which they rubbed on a gun-barrel, and then fired the gun at any strange noise which they suspected to be made by spirits, at the same time asking ní-mā'-co-mí'-na to make the bullet hit the mark.

This is a survival of an ancient and widespread faith. La Potherie recounts how the Miamis fired guns, beat drums, and yelled vociferously during an eclipse of the moon, and the chiefs gave the explanation: "Our old men have taught us that when the Moon is sick it is necessary to assist her by discharging arrows and making a great deal of noise, in order to cause terror in the spirits who are trying to cause her death; then she regains her strength, and returns to her former condition. If men did not aid her she would die, and we would no longer see clearly at night; and thus we could no longer separate the twelve months of the year".<sup>39</sup> This unfailing remedy, as shown by Lafitau, was general with the natives of America. Civilized man probably makes enough noise to secure the result without any special effort.

<sup>38</sup> I have not seen this plant, but imagine that it is *Rudbeckia hirta*, as the Indian said, "the Whites call it Bachelor's Button, because a button grows on the top, which is in the midst of a brown flower. The stalks are from two to three feet tall."

<sup>39</sup> Blair's Indian Tribes, Vol. 2, p. 121.

The general loss of their original religion myths by the Miamis is due to their general early acceptance of Christianity. The pioneer missionaries pronounced them "very docile", "the most civil and most



INDIANS DRIVING OFF ECLIPSE OF MOON

(After Lafitau. The lower part portrays the 12th Chapter of the Book of Revelation, which Lafitau considered analogous)

liberal" of the western tribes, and having "a docility which has no savor of barbarism",<sup>40</sup> Their conversion also had a material effect on their habits and physical characteristics. La Hontan says of the west-

<sup>40</sup> Jesuit Relations, Vol. 59, pp. 101-3; Vol. 55, p. 213.

ern Algonkins at the earliest period of contact with the French: "They are neither so strong nor so vigorous as most of the French in raising of weights with their arms, or carrying burdens on their backs; but to make amends for that they are indefatigable and inured to hardships, insomuch that the inconveniences of cold and heat have no impression upon them; their whole time being spent in the way of exercise, whether at running up and down, at hunting and fishing, or in dancing and playing at foot ball, or such games as require the motion of the legs".<sup>41</sup> This was the result of a Spartan athletic training which was especially characteristic of the Miamis; and La Hontan further speaks of their sexual continence, in this connection, and their explanation that excesses "so enervate them that they have not the same measure of strength to undergo great fatigues, and that their hams are too weak for long marches or quick pursuits".

In his letter to the Provincial, on Oct. 21, 1683, Father Beschefer says of the conversion of these Indians by Father Allouez: "With regard to the superstitions of the Miamis, he has not much trouble in disabusing them about these, because nearly all consist in the very strict observance of certain fasts, of several days duration—which the old men cause the youth to undergo, in order that they may discover during their sleep the object upon which their good fortune depends and no sooner had the father shown them the vanity of those dreams than the young men, delighted to be freed from that obligation, which to them seemed a very hard one, abandoned the fasts. The old men have also been compelled to admit that their only reason—which they had nevertheless covered with specious pretext of religion—was to inure the young men to fatigue, and to prevent their becoming too heavy".<sup>42</sup>

The food of the Miamis is a matter of ethnologic interest. Count Volney, who was a firm believer in the influence of climate, soil and food on the human race, said of the Indians on the Wabash: "They have a good soil, with finer maize, and greater plenty of game than are found east of the mountains. Hence it is that the natives are a stout, well-formed race. The same may be said of the Shawanese, the stature of those women astonished me more than their beauty". At that time (1797) the Miamis had adopted some of the white man's food, for William Wells told Volney: "They raise some corn and potatoes, and even cabbages and turnips. Their captives have planted peach and apple trees, and taught them to breed poultry, pigs, and even cows; in short they are as much improved as the Creeks and the Choctaws".<sup>43</sup>

<sup>41</sup> Thwaite's *La Hontan*, p. 415.

<sup>42</sup> *Jesuit Relations*, Vol. 62, p. 205.

<sup>43</sup> *View of the Climate and Soil of the U. S.*, p. 360.

If food had affected their physique, its effects must have begun long before their contact with the whites; and they evidently had this advantage at an early day. Perrot notes the difference between the food supplies of the tribes of the wooded countries and those of the prairies. Of the former he says: "The kinds of food which the savages like best, and which they make the most effort to obtain, are the Indian corn, the kidney bean, and the squash. If they are without these they think they are fasting, no matter what abundance of meat and fish they may have in their stores, the Indian corn being to them what bread is to Frenchmen. The Algonkins (i. e. the Canada tribe), however, and all the northern tribes, who do not cultivate the soil, do not lay up corn; but when it is given to them while they are out hunting, they regard it as a special treat.

"Those people commonly live only by hunting or fishing; they have moose, caribou and bears, but the beaver is the most common of all their game. They consider themselves very fortunate in their hunting expeditions when they encounter some rabbits, martens, or partridges, from which to make a soup; and without what we call tripe de roche—which you would say is a species of gray moss, dry, and resembling oublies,<sup>44</sup> and which of itself has only an earthy taste, and the flavor of the soup in which it has been cooked—most of their families would perish of hunger. Some of these have been known who were compelled to eat their own children, and others whom starvation has entirely destroyed. For the northern country is the most sterile region in the world, since in many places one will not find a single bird to hunt; however they gather there plenty of blueberries in the months of August and September, which they are careful to dry and keep for a time of need".<sup>45</sup>

But passing from these wooded countries to the lands of the Miamis and Illinois, Perrot continues: "The savage peoples who inhabit the prairies have life-long good fortune; animals and birds are found there in great numbers, with numberless rivers abounding in fish. Those people are naturally very industrious, and devote themselves to the cultivation of the soil, which is very fertile for Indian corn. It also produces beans, squashes (both large and small) of excellent flavor, fruits, and many kinds of roots. They have in especial a certain method of preparing squashes with the Indian corn cooked while in its milk,

<sup>44</sup> These are wafers, used to fasten paper together. The reference is to the gelatinous character of the plant. Tripe de roche is the edible lichen, *Umbilicaria dillenii*. It is used for food only as a last resort; and Father Andre well says of it: "It is necessary to close one's eyes when one begins to eat it." (*Jesuit Relations*, Vol. 55, p. 151.)

<sup>45</sup> Blair's *Indian Tribes*, Vd. 1, p. 102.

which they mix and cook together and then dry, which has a very sweet taste. Finally, melons grow there which have a juice no less agreeable than refreshing".

The Miamis were equally agricultural in their homes on the Wabash and Maumee.<sup>46</sup> The expeditions of the whites against them made a specialty of destroying their crops, and Wilkinson, Scott and others call attention to the extent of their fields. Gen. Wayne wrote: "The very extensive and highly-cultivated fields and gardens show the work



TREATY WITH POTAWATOMIS AT CHIPPEWANING, 1836  
(From painting by Winters)

of many hands. The margins of those beautiful rivers, the Miamis of the Lake (Maumee) and Auglaize appear like one continued village for a number of miles both above and below this place; nor have I ever before beheld such immense fields of corn in any part of America, from Canada to Florida".<sup>47</sup>

It was noted by the French that the Miamis raised a kind of corn differing from that raised by the Indians about Detroit, and it was said: "It is whiter, of the same size as the other, the skin much finer, and

<sup>46</sup> *Jesuit Relations*, Vol. 55, p. 213; Vol. 69, p. 217; N. Y. Col. Docs., Vol. 9, pp. 891-2.

<sup>47</sup> Dillon's *Indiana*, p. 346.

the meal much whiter".<sup>48</sup> This is probably what the Miamis called *no-kin'-gwā-mī'-nī*, or soft corn, because it ground easily. It was used for lye hominy, and was the favorite corn for parching, as it was easily chewed. Parched corn, not ground, is called *kī'-sa-mīn'-gī*; when ground, as it usually was when carried for food, it is called *kī'-ta'-sa-ka'-nī*. Corn in the milk was preserved by boiling and then drying it. This is called *mīn-djī'-pī co-ko'-sa-mīn'-gī*. The favorite corn of the Miamis of recent times is what the whites call "squaw corn", and they call *īk-kī'-pa-kīn'-gwā-mī'-nī* (blue corn), or sometimes *to-sā'-nī-a mīn-djī'-pī* (Indian corn), or *Mi-a'mī mīn-djī'-pī* (Miami corn). This is an early variety, and sweeter than ordinary corn. The Indians are very fond of a soup made of scraped green corn, which is called *mīn-djī'-pī n'po'-pī*, or corn soup.

Perrot further says: "The various kinds of animals that the (prairie) country furnishes are: buffaloes, elks, bears, lynxes, raccoons, and panthers, whose flesh is very good for food. There are also beavers, and black and gray wolves, whose skins serve as their garments; and still other animals which also they use for food. The birds or fowls of the rivers and swamps are: swans, bustards, wild geese, and ducks of all kinds. Pelicans are very common, but they have an oily flavor, whether alive or dead, which is so disagreeable that it is impossible to eat them. The land birds are turkeys, pheasants, quails, pigeons, and curlews like large hens, of excellent flavor. In that region are found still other birds, especially innumerable cranes".<sup>49</sup>

This translation is somewhat doubtful. If Perrot did not intend to include deer in "cerfs", which is here translated "elks", he omitted the most important food animal of the region. He certainly did not mean what we commonly call lynxes (i. e. the Canadian lynx) by "chats cerviers", for they are not found in the prairie country south of Canada. What he probably intended was the common wildcat (bay lynx or bob cat) which was common in the region referred to wherever woods were found. Godfroy informed me, however, that the Indians ate only the ribs of the wildcat, and believed that eating the legs would cause cramps. Like other sensible people, the Indians would eat almost any animal or bird in case of emergency, but they had preferences. They did not ordinarily eat wolves, foxes, minks, or skunks; nor the smaller animals, such as ground squirrels, weasels, rats or mice. They ate groundhogs, and considered porcupines a delicacy, except in the pine woods, where their flesh tastes of pine. Godfroy said he never knew an Indian to eat

<sup>48</sup> N. Y. Col. Docs., Vol. 9, p. 891.

<sup>49</sup> Blair's Indian Tribes, Vol. 1, p. 114.

a dog, though they certainly did in early times. Possibly this is a change of custom due to a change of dogs, from their original wolf dogs to the more valuable or less edible European varieties.

Of the water birds, it is not certain what Perrot meant by bustards (outardes), for the European bustard is a land bird, more like a turkey than any other American bird. Possibly he meant the American bittern, which is eaten both by whites and Indians, and I can testify that a young bittern is very palatable. He probably measured his "curlews like large hens" by extent rather than weight, as the northern curlew, the largest of all, seldom weighs over a pound and a half, though it is two feet in length. Godfrey said that the Indians ate all the water fowl except those that taste fishy such as loons, fish-ducks and herons. Of land birds, he thought they did not eat hawks and owls until they learned to do so from the whites. They did not eat woodpeckers, as they say that eating them will make one deaf. With these exceptions they ate all birds of any size. They did not eat frogs, snakes, lizards, mussels or snails. Of turtles they ate only the soft-shell and snapping turtles. They considered the flesh of the water-dog (menobanchus) poisonous. Godfrey said his dog bit one, and it made him sick, although he did not eat any of it.

As to edible roots Perrot says they, "have in their country various kinds of roots. That which they call —, meaning 'bear's root', is an actual poison if it is eaten raw; but they cut it in very thin slices, and cook it in an oven during three days and three nights; thus by heat they cause the acrid substance which renders it poisonous to evaporate in steam, and it then becomes what is commonly called cassava root". This is a good description of the Indian turnip (*Arisaema triphyllum*), but the Miami call it *wi'-ko-pai'-si-a*, which does not mean "bear's root". I think that Perrot here confuses his omitted word with the meaning of "macopin", which literally would mean bear root. The Miami do not now use this word, nor know to what it refers, but it was in common use in Perrot's time, and the Illinois river was called Macopin river. Makopin is said to be the Chippewa name of the water-chinquapin; but micoupena was the Peoria name of the white water-lily, *Nymphaea tuberosa*, and the name of the Illinois river was probably corrupted from this word. The "oven" mentioned was a hole dug in the ground, and heated by a fire in it, after which it was cleaned out, filled with food, and covered over. Further mention of its use is made in connection with the wild onion.

Perrot continues: "Also in winter they dig from under the ice, or where there is much mud and little water, a certain root of better quality than that which I have just mentioned; but it is only found in the Louisiana country, some fifteen leagues above (below) the mouth of the Wis-



consin. The savages call this root in their own language pokekoretech; and the French give it no other name because nothing at all resembling it is seen in Europe. It has the appearance of a root, about half as thick as ones arm, or a little more; it also has firm flesh, and externally resembles an arm; in one word, you would say at sight of these roots that they are certainly great radishes. But cut it across the two ends, and it is no longer the same thing; for you find inside it a cavity in the middle, extending throughout its length around which are five or six other and smaller cavities, which also run from end to end. To eat it, you must cook it over a brazier, and you will find that it tastes like chestnuts. The savages are accustomed to make provision of this root; they cut it into pieces and string them on a cord, in order to dry them in the smoke. When these pieces are thoroughly dry, and as hard as wood, they put them into bags and keep them as long as they wish. If they boil their meat in a kettle, they also cook therein this root, which thus becomes soft; and, when they wish to eat, it answers for bread with their meat. It is always better with considerable grease; for although this root is very sweet and has a good flavor, it sticks to the throat in swallowing and goes down with difficulty, because it is very dry. The women gather this root, and recognize it by the dried stem, which appears sticking up above the ice. The shape (of the dry top) is like a crown, of red color; it is as large as the bottom of a plate, and is full of seeds in every way resembling hazelnuts; and when these are roasted under hot cinders they taste just like chestnuts''.

This plant is plainly *Nelumbium luteum*—the American lotus, yellow water-lily, water chinquepin, wankapin or yonecopin. Sarah Wadsworth informed me that the common mode of its preparation by the Miami women was to gather the roots (tubers), soak them in lye to loosen the skin, and then peel and boil them. The seeds were likewise soaked in lye, and shelled. Of these they made soup or cooked them as desired. The Miami name of the plant is *pok'-ei-kwal-ya'-ki*, i. e. full of holes, or nostrils, which will be appreciated by those who are familiar with the plant.

Perrot continues: "That country also produces potatoes; some are as large as an egg, others have the size of ones fist, or a little more. They boil these in water by a slow fire during twenty-four hours; when they are thoroughly cooked you will find in them an excellent flavor, much resembling that of prunes—which are cooked in the same way in France, to be served with dessert''. This passage has caused no little worry to students of Perrot, to know just what plant he refers to. Possibly he meant more than one, for there are several "Indian potatoes''. First of these is the *psoralea esculenta*, or *pomme de prairie*, or *navet de*

prairie of the western plains, which I think may be excluded as foreign to the Algonquian region, and probably unknown to Perrot. The Jerusalem artichoke (*helianthus tuberosa*) appears to me to meet his description more nearly than any other one plant, and its tubers were eaten by the Indians. Possibly he may refer to the ground-nut, or ground-bean, *Apios tuberosa*. The tubers of this plant were called "rosaries" by the early Canadians, because they resembled beads,<sup>50</sup> and the Miami name, a-pi-ka'-nî-ta is similar to a-pi-ka'-na-ki, which is their name for "peace beads". Another plant called Indian potato, is the "man-of-the-earth", *Ipomea pandurata*, which is of the morning-glory family.<sup>51</sup>

Perrot continues: "The tribes of the prairies also find in certain places lands that are fertile, and kept moist by the streams that water them, whereon grow onions of the size of ones thumb. The root is like a leek, and the plant which grows from it resembles the salsify. This onion, I declare, is so exceedingly acrid that if one tries to swallow it, it would all at once wither the tongue, the throat, and the inside of the mouth; I do not know, however, whether it would have the same injurious effect on the inside of the body. But this difficulty hardly ever occurs, for as soon as one takes it into his mouth he spits it out; and one imagines that it is a certain wild garlic, which is quite common in the same places, and has also an insupportable acridness. When the savages lay in a store of these onions, with which the ground is covered, they first build an oven, upon which they place the onions, covering them with a thick layer of grass; and by means of the heat which the fire communicates to them the acrid quality leaves them, nor are they damaged by the flames; and after they have been dried in the sun they become an excellent article of food". The wild onion is still eaten by the Miamis as an early vegetable, but without this formidable preparation. They are washed, cut fine, and fried in grease until they wilt; then a little water is added, with salt, pepper, and enough flour to cream. This removes the acrid taste.

Perrot continues: "The prairies inhabited by the Illinois produce various fruits, such as medlars, large mulberries, plums, and abundance of nuts, as in France; and many other fruits. As for the nuts, some are found as large as a hen ('s egg) which are so bitter and oily that they

<sup>50</sup> Jesuit Relations, Vol. 6, p. 273.

<sup>51</sup> The mss. dictionary, ascribed to Le Boulanger, preserved in the John Carter Brown Library, at Providence, gives the following definitions: "pokieorewaki, hollow roots"; "micopena, large root in the water"; "apena, pl. apeniki, potatoes"; wicapiasia, root for guarding themselves from death from serpents that they fear. The bulb is white, and rises out of the ground. The stem is a foot high, the leaves of four ribs (or on four sides), and a little red button on the top.

are good for nothing for eating. There are also strawberries in abundance, raspberries and potatoes. But the people farther north, as far up as Wisconsin, have no longer these medlars, and those who are



KILSOKWA—THE SETTING SUN  
(Granddaughter of The Little Turtle)

still farther away are without these nuts like those of France". The medlars are, no doubt, persimmons. The "bitter and oily" nuts are more doubtful. He wrote "as large as a hen", and Father Tailhan adds the "egg" explanation, but even that does not help much, unless Perrot meant to include the outer covering when referring to the size; in which

case he might have intended the pig-nut or the buckeye. Tailhan suggests that he refers to a fruit described by Marquette, the size of an egg, which he broke in two pieces, "in each of which there were eight or ten seeds inclosed. They have the shape of an almond, and are very good when they are ripe. The tree, however, which bears them, has a very bad odor, and its leaf is like that of the walnut". It is hard to imagine what Marquette referred to unless it was the pawpaw, and it can scarcely be called a bitter and oily nut. The Miamis ate pawpaws, but did not eat may-apples. With the nuts may be included the acorns of several species of oak, which they gathered and cooked.

The Miamis availed themselves of "greens" of various kinds, some of which are not used by the whites, as, for example, the flowers of the mulberry, which they gathered and cooked as a vegetable. Their preference in greens is for the shoots of the common (purple) milkweed, which is prepared much the same as asparagus. Godfroy said that milkweed "has substance", and that it could be used in place of potatoes. They do not eat the shoots of the smaller species of *asclepias*, or of the white-flowered milkweed, which they call *lā-mon-dās'-sa*, or "pups", and pronounce poisonous. They use the shoots of poke, but Godfroy's belief was that they did not use poke, mushrooms, or wild lettuce, until they learned to eat them from the whites. He was probably wrong as to this, as the instruction concerning the use of native plants came the other way. Of mushrooms, the Miamis eat the morels and the two large *gyromitras*—*esculenta* and *brunnea*. They do not eat puff-balls, believing that they cause dropsy—in fact the name given to them, *pa-sa'-to-wa-ka'-ní*, means "thing that causes dropsy". The edible sponge mushrooms, which they used, as mentioned, are called *mi-no-sa'-ka-i*, which is the name given to tripe.

Most of the domestic wants of the Indians were supplied without much difficulty. For example, cordage of all kinds was obtained from the inner bark of the linn tree. For temporary use this needed no preparation. When boys went hunting with men, it was their first work to get linn bark to hobble the horses, while the men hunted. When rope was wanted for permanent use, the squaws boiled this bark, and twisted or braided it while it was damp. If they wanted canoes lighter than dug-outs, they made them of the bark of the water-elm or hickory, the pig-nut hickory being considered best. They cut down a tree, and peeled off the bark with flat sticks. In the spring, when the trees were beginning to leave, the bark came off easily, and at other times they had to pound it to loosen it. This kind of bark was also used for tables for drying corn, berries and fruit. The strips of bark were pressed out flat till they dried, and were then laid on poles placed in forked sticks. It was also used for

sugar troughs, by bending the ends up and fastening them. The joints in these and in canoes were stopped with gum from evergreen trees and beeswax. When through with a season's sugar-making, the troughs were soaked, straightened out, and dried, after which they were piled up like shingles for the next year; and when thus cared for they would serve for several years. They also made boxes of this kind of bark, and in general used it for most of the purposes for which we use boards.

Although there is a general impression among white people that the life of an Indian woman was one of drudgery, there is practical agreement of all actual witnesses that her work was not so hard as that of the average frontier white woman. It was also on a social basis that made it much less trying. A typical testimony is the following from Mary Jemison, a white captive among the Senecas: "Notwithstanding the Indian women have all the fuel and bread to procure, and the cooking to perform, their task is probably not harder than that of white women who have those articles provided for them; and their cares are certainly not half as numerous nor as great. In the summer season we planted, tended and harvested our corn, and generally had all our children with us; but we had no master to oversee or drive us, so that we could work as leisurely as we pleased. \* \* \* In the spring they chose an active old squaw to be their driver or overseer, when at labor, for the ensuing year. She accepts the honor, and they consider themselves bound to obey her. When the time for planting arrives, and the soil is prepared, the squaws are assembled in the morning, and conducted into a field, where each plants one row. They then go into the next field and plant once across, and so on till they have gone through the tribe. If any remains to be planted, they again commence where they did at first (in the same field) and so keep on till the whole is finished. By this rule they perform their labor of every kind, and every jealousy of one having done more than another is effectually avoided."<sup>52</sup>

The tribal organization was managed by a head chief, a war chief and band chief. The bands were merely communities, usually of relatives. After the removals from the state, those who remained had bands as follows: Mi-cin'-gwa-min'-dja's band, near Jalapa, on the Mississinewa were called Wis-sa'-ki-ha'-ki. The Slocum family, lower down the Mississinewa, were called Ci-pa'-ka-na'-ki, from Ci-pa'-kana (The Awl) the husband of Frances Slocum. Those of the settlement at the mouth of the Mississinewa were called Nā-ma'-tel-sin-wa'-ki; those on upper Eel River Ki-na-pi'-ko-ma-kwa'-ki; those on Pipe Creek Pwa-ka'-na'-ki. The Miamis about Fort Wayne were called Ki-kai'-a-ki,

<sup>52</sup> See collected authorities in *Archæological Hist. of Ohio*, pp. 481-5.

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and those from Roanoke to Little River were called Nā-kau'-wi-ka'-mi-a'-ki, or people of the Aboite River. There could be no better illustration of the way in which Indian tribal names were multiplied in earlier days.

The early settlement of Indiana did not call for any removal of Indians, as they were in the northern part of the State, and the American immigration was into the southern portion. The first to feel the demand of the whites for more land were the Delawares, who had settled on White River about 1750, by permission of the Miamis, and who by their treaty of 1818 removed within three years thereafter. The other Indians remained, but were gradually pushed into narrower limits. None of them wished to leave, and for several years they successfully opposed removal. In the report of the treaties at the mouth of the Mississinewa, in 1826, the Commissioners, Lewis Cass, James B. Ray and John Tipton, say: "It was impossible to procure the assent of the Pattawatamies or Miamis to a removal west of the Mississippi. They are not yet prepared for this important change in their situation. Time, the destruction of the game, and the approximation of our settlements are necessary before this measure can be successfully proposed to them. It was urged as far as prudence permitted, and in fact, until it became apparent that further persuasion would defeat every object we had in view".<sup>53</sup>

The removal of the Potawatomis began under the treaty of 1832, the last of their removals being that of Menominee's band in 1838, under circumstances of great hardship to them, and causing the death of Father Petit, who accompanied them.<sup>54</sup> In 1840 the greater part of the Miamis agreed to removal; and in 1844 a contract was made with Thomas Dowling for their removal; but they did not get started until 1846, the first party reaching their destination, Osage River Agency, in November of that year. There were three parties or sections in this removal, all under charge of Christmas Dagenet, who died on the third trip.

Christmas Dagenet was a son of Ambrose Dagenet, an early French settler, who was with Harrison in the Tippecanoe campaign. Ambrose married Mi-cin'-gwa-min'-dja, (Burr Oak tree) a Wea woman, and their son Christmas was born Dec. 25, 1799, at the old Wea town above Terre Haute. On Feb. 16, 1819, Christmas was married by Rev. Isaac McCoy, at his mission school in Parke County, to Mary Ann Isaacs, daughter of Chief Joseph Isaacs of the Brotherton Indians. Their grandson, Charles E. Dagenet, is now Supervisor of Indian Employment, for the national government. He was born on the reservation in Kansas, Sept. 17, 1873, and accompanied his parents to Oklahoma in 1882. He

<sup>53</sup> Am. State Papers, Indians, Vol. 2, p. 684.

<sup>54</sup> True Indian Stories, Dunn, p. 234.

was educated at Carlisle, learning the printers trade; edited *The Miami Chief*, at Miami, Oklahoma, for two years; and then entered the Government service on Sept. 1, 1894, as a teacher among the Sioux, in South Dakota. He was promoted successively to Disciplinary, Clerk, and in 1905 to his present responsible position, which he has filled most efficiently. He married Esther Miller (As-san'-zan-kwā, or Sunshine



CHARLES E. DAGENET

Woman) a daughter of Thomas Miller, or Mā'-to-sā'-nī-a, the last of the Miami head chiefs in Kansas. She was also a Carlisle graduate, and a successful teacher in the Government service.

After the death of Christmas Dagenet his widow remained in Kansas, where she married Baptiste, a full-blood Peoria, who is known historically as Baptiste Peoria, and who was of notable service to the emigrant Indians. While these were in Indiana and Illinois the havoc wrought among them by whisky was shocking, but when they got to Kansas it was

appalling. Not only "boot-leggers" but licensed traders, in open violation of law, supplied them with all the liquor they could pay for, and that of the vilest quality. Everybody knows something of the crimes of violence in civilized communities caused by intoxication, but on a lawless frontier, among these uncivilized people, the deaths from violence due to whisky, exceeded deaths from all other causes in proportion of more than five to one. Isaac McCoy, who saw the work in progress, said: "Of this murderous traffic one cannot think without horror, nor speak without indignation tempting him to transcend the bounds of moderation. We talk of Indians being distressed and destroyed by war; but we destroy them much faster in times of peace than in times of war. If the bloody history of the Spaniards in the West Indies and Mexico, in the sixteenth century is revolting to the feelings of the reader, what must we say of our own countrymen in this nineteenth century? They murdered by slavery in the mines, or by cross-bows and blood-hounds; but we murder by poison, which if more slow in its effects, is more insidious, and certain, and dreadful".<sup>55</sup>

Baptiste had been in the government service much of the time for thirty years, and under his leadership, the demoralized remnants of the Peorias, Weas, Kaskaskias, and Piankeshaws confederated before their treaty of 1854; and under his leadership they removed to Oklahoma in 1867, where Baptiste died, Sept. 13, 1873, at the age of 80 years. The Western Miamis did not join this federation until 1873, and then not fully. They held the land jointly, but had separate annuities, and separate tribal organization.

After the death of The Little Turtle, in 1812, his nephew, John Baptiste Richardville (Pin-ji'-wa, or The Wild Cat) was made head chief and retained that office until his death, in 1841, when his son-in-law To'-pí-a, or Francis Lafontaine, became head chief. He went west with the removed Miamis in 1846; and on his return, took sick and died at Lafayette, Ind., in the spring of 1847. After that there was no head chief of the Miami Nation. The emigrant Miamis, however, had made O-sán'-dī-a, or Poplar Tree, their chief; but this did not include the Weas and Piankeshaws, who had preceded them. He was followed by Nā'-wi-lan-gwan'-ga, or Four Wings, called "Big Legs" by the whites, until his death in 1858; then John Osandia until 1860; then Nāp-eín'-ga, or Lies in his Place, until 1862; then John Big Leg (Wan-za'-pí-a, or Sunrise) until 1867. He died while east to make a treaty, at the home of his sister-in-law Kíl-so'-kwā, in Indiana. Lam-kí-kam'-wa, or Stamps Hard, was then made chief, but was soon impeached, and succeeded by

<sup>55</sup> History of Baptist Missions, p. 564.



John Roubideau (A-tei'-pan-gwi-a, or Snapping Turtle). In a short time charges were made against Roubideau, and at his trial ruffians were brought in to break up the council, which adjourned to avoid trouble; but Roubideau resigned, and Thomas Miller and David Gibaut were elected. They were joint chiefs when the Western Miamis who removed to Oklahoma made this change, in 1873.

In Indiana, tribal organization was a mere formality after 1846 except that Mi-el'n'-gwa-min'-dja's band held their reserve in common until it was partitioned, under the act of Congress of June 10, 1872, among the sixty-three members then living, each of whom received a patent for his share. With this the last remnant of Indian tribal title to lands in this State was extinguished.

## GLOSSARY OF INDIAN NAMES AND SUPPOSED INDIAN NAMES, IN INDIANA

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- ABOITE.** River and township in Allen County; corrupted from the French name Riviere à Boitte, or à Bouette, meaning "River of Minnows". The Miami name is Nā-kau'-wī-ka'-mī, or "Sandy Water".
- AMO.** Town in Hendricks County. Said to be the Potawatomi a'-mo, or honey-bee; in reality the Latin amo, I love.
- ANDERSON.** County seat of Madison County, named for William Anderson, Delaware head chief, whose Indian name was Kōk-to'-wha-nūnd, or "Making a cracking Noise". The Delaware name of his town at this point was Wa'-pī-mīns'-kīnk, or "Chestnut Tree Place".
- ANOKA.** Town in Cass County. Said to be a "made-up" name, but is also a Sioux adverb meaning "on both sides".
- APIKONIT.** Miami name of Capt. Wm. Wells; abbreviated form of ā-pi-ka'-nī-ta, meaning the "groundnut", *Apios tuberosa*.
- ASHKUM.** Reservation and village of Potawatomi chief of that name, in Miami County. Signifies "anything continuous".
- ATCHEPONGQUAWE.** See Butternut Creek.
- AUBREENAUBEE.** Township in Fulton County, and reservation of Potawatomi chief, Aub'-bi-naub'-bi. Means "Looking Backward"—equivalent to our slang term "rubber-neck".
- BLACK HAWK.** Postoffice in Vigo County, named for celebrated Sauk Chief Mā-ka'-ta-mī'-ci-kiāk'-kiāk, or Black Sparrow Hawk.
- BLACK LOON.** Reservation in Cass County for Miami named Mā-ka'-ta-mōn'-gwa, or Black Loon.
- BUCKONGEHELAS.** Commonest form of name of Delaware war chief, and his town on White River. Properly Pak-gaut'-ci-hi'-las, or "Breaker to Pieces".
- BUTTERNUT CREEK.** Tributary of the Salominee in Jay County. Indian name, usually written Atchepongquawe, is Miami āt-tei'-pang-kwa'-wa or "Snapping Turtle Eggs".

**CAKIMI.** Potawatomi woman, for whose children reservation known as Burnett Reserve, on the Wabash below the Tippecanoe, was made by the treaty of 1818. The name is Ka-ki'-ni, meaning Run Away from Home.

**CALUMET.** Two streams in northwestern Indiana tributary to Lake Michigan, the names of which were formerly written Calomick, Killomick, Kenomick, or Kennoumic. These are dialect variations of the same word, ranging from Kën-nom'-kia in the Potawatomi to Ge-kël'-i-mûk in the Delaware, and signifying a body of deep, still water.

**CAYUGA.** Postoffice in Vermillion County. Corrupted from the Iroquois Gwa-u'-gëh, said to mean "the place of taking out"; i. e. the beginning of a portage.

**CEDAR CREEK.** Tributary of the St. Joseph, in Allen County. A literal translation of its Potawatomi name, Mës-kwa'-wa-si'-pi. The town of the Potawatomi chief Metea was at its mouth, and was called Mës-kwa'-wa-si'-pi-o'-tân, or Cedar Creek Town.

**CHARLEY.** A Miami who had a reservation in Wabash County, adjoining the City of Wabash. A creek emptying there is called Charley Creek. His Indian name was Ki-tun'-ga, or Sleepy.

**CHECHAUKKOSE.** Reservation and village, in Marshall County, of Potawatomi chief, Tei'-tea-kos, or Little Crane.

**CHICAGO.** (East) Town in Lake County. Means "Place of Wild Onions".

**CHINQUAQUA.** Reservation in Cass County. Corruption of Cîn-gwa'-kwa, the Miami term for all the smaller evergreen trees.

**CHICHEPE OUTIPE.** Given by Father Petit as the Potawatomi name of the Catholic mission at Twin Lakes, in Marshall County. The first word is ci-ci'-pa, or duck; second word not identified.

**CHIPPECOKE.** Common form of name of Indian village at Vincennes, also written Chipkawka, etc. These are corruptions of the abbreviation of the Miami name, Teip-ka'-ki-un'-gi, or Place of (edible) Roots. The Delaware name, written Chuphacking, Chupukin, or Chubhicking, has the same meaning.

**CHIPPEWANAUNG.** Treaty ground in Fulton County, of treaties with Potawatomis, in 1836. The name refers to the proximity of Chippawanie Creek.

**CHIPWANIC.** Tributary of the Tippecanoe, near Manitou Lake, in Fulton County. The name is a corruption of Teip'-wa-nûk', or Ghost Hole.

**CHOPINE.** French nickname, meaning a pint measure, applied to two Miamis who had reservations in Whitley and Allen counties, respectively. Old Chopine's name was Mâ-kwa'-kia, or Beaver Head. Young Chopine was Pi-kan'-ga, or Striking.

COESSE. Town in Whitley County. Corruption of Potawatomi nickname of a Miami band chief, pronounced Kū-wā'-zī by Potawatomis, and Ko-wā'-zī by Miamis; and meaning "Old Man".

CORNSTALK. Postoffice in Howard County; also Pete Cornstalk Creek, a small stream in the same county. So called from the nickname of an old Miami, whose real name was A-san'-zang, or Sunshine.

DEER CREEK. Tributary of the Wabash, emptying below Delphi. Formerly called Passeanong Creek, and same name given to Deer Creek prairie, opposite its mouth. This is the Miami name, meaning "The Place of the Fawn".

DELAWARE. Name of county, town, and several townships. This is an English word, referring to the residence of the Delaware Indians on Delaware River, which was named for Lord De La Warr, Governor of Virginia. They call themselves Lenni Lenape, or True Men; and the western Indians usually called them Wa'-pa-nā'-kī, or Eastlanders.

DORMIN. Prairie in Laporte County. Corruption of m'da'-mīn, the Potawatomi word for maize or corn.

DRIFTWOOD. Name of the East Fork of White River. Said to be a translation of the Miami name On'-gwa-sa'-ka, which means driftwood. In the Reminiscences of Col. John Ketcham, p. 11, the name is given Hangonahakwasepoo, which is evidently Delaware.

EAGLE CREEK. Tributary of White River, in Marion County. Chamberlain says: "Its Indian name was Lau-a-shinga-paim-honnock, or Middle of the Valley".

EEL RIVER. Tributary of the Wabash, emptying at Logansport. This and the French name, L'Anguille, are translations of the Miami name of the stream which is Ki-na-pi'-kwo-mā'-kwa, literally snake fish.

EEL RIVER. Tributary of White River in Greene County. The Delaware name was Cak'-a-māk, literally slippery fish.

ELKHART. Tributary of the St. Joseph of Lake Michigan; also city and county. The name was originally Elk Heart, or Elksheart, which, like the French name Coeur de Cerf, is a literal translation of the Potawatomi name, Mi-cēh'-wēh-u'-dēh-ik'. The name refers to the shape of an island at the mouth of the stream.

FALL CREEK. Tributary of White River in Marion County. Chamberlain gives the Delaware name as "Soo-sooc-pa-hal-oc, or Spilt Water". Sokpehelluk, or sookpehelluk, is the Delaware word for a waterfall. The Miami name of the stream is Teānk'-tūn-un'-gi, or "Makes a Noise Place". Both names refer to the falls at Pendleton, the only material waterfall in central Indiana.

**FLAT BELLY.** Reservation in Noble and Kosciusko counties for the band of Pā'-pā'-ki'-tēl, of which the English name is a literal translation. His village was at what is now called Indian Village, in Noble County.

**FORT WAYNE.** See Ki'-ki-un'-gī.

**GODFREY.** Reservation of Francois Godfroy. He had no Indian name. The name Pah-lōns'-wah, given in local histories is the Indian effort at pronouncing Francois.

**HUNTINGTON.** County seat of Huntington County. The Miami name is Wi'-pi-tēa'-ki-un'-gī, or Place of Flints, referring to a flint ridge which crosses the limestone here.

**ILE A L'AIL.** French name meaning Island of Garlic, for a small island in the Wabash, in Carroll County. The name is used in the treaty of St. Mary's, in 1818, to locate a reservation to the children of Antoine Bondie.

**INDIANAPOLIS.** On account of its location at the mouth of Fall Creek, the Miamis called this place Teānk'-tūn-un'-gī, or "Makes a Noise Place".

**ILLINOIS.** The stem il-lī'-nī, signifying "men", with French ending.

**IROQUOIS.** Charlevoix derives this from their word hiro, meaning "I have spoken"; others as meaning "real serpents". In Indiana it is the name of a river tributary to the Kankakee, and a township in Newton County.

**JOSINA CREEK.** Corruption of To-sān'-ja, common Miami abbreviation of Mēt'-o-sān'-ja, Miami chief whose village was at its mouth. It is made Metocinyah Creek on some maps. See Metosania.

**KANKAKEE.** Father Charlevoix says the name is Theakiki, which the Canadians had corrupted to Kiakiki. The Potawatomi name is Tēh'-yak-ki'-ki' or Swampy country. Father Marest wrote it Huakiki, which is a corruption of the Miami name M'wha'-ki-ki, or Wolf Country. French map makers from these corruptions, developed Qui-que-que, and Quin-qui-qui, which were Anglicized to Kān-ka-kee.

**KEKIONGA.** Common form of name of Indian town at Fort Wayne, and now in use for Fort Wayne. It is a corruption of Kis'-ka-kōn, or Ki'-ka-kōn, an Ottawa tribe that had a town there; the meaning is "Clipped Head". The French called them Queues Coupees. The Miamis corrupted this to Ki'-ki-un'-gī, and lost its meaning. They now call Gen. Wayne Ki'-ki-a, because Ki'-ki-un'-gī would literally mean Ki'-ki-a's place.

**KENAPACOMAQUA.** Common form of name of Miami town at site of Logansport, destroyed by Gen. Wilkinson in 1791. The Indian word is Ki-na-pi'-kwo-mā'-kwa, meaning eel, or snake fish. It is the name given to Logansport, and to Eel River which empties there.

- KENTUCKY.** A stream in southern Indiana. Its meaning is uncertain, as it is not known from what language it comes, and statements of the original form vary from Kain-tuck to Cantuckey. The Kentucky river in the State of Kentucky was formerly also called Cuttawa, which probably is an Algonquian word for Cherokee. The Miami name for a Cherokee is Ka-to'-wa.
- KEWANNA.** Postoffice in Fulton County, and reservation for Potawatomi chief Ki-wa'-na, the Prairie Chicken. The word also means "lost".
- KICKAPOO.** Creek in Warren County. The meaning of the word is uncertain; but Schoolcraft thought it a corruption of N'gikaboo, meaning "Otter's Ghost".
- KITHTIPPECANUNK.** Common form of name of The Prophet's Town, at the mouth of Tippecanoe river. It means Tippecanoe Town, or Place. See Tippecanoe.
- KILLBUCK.** Creek in Madison County, named for Charles Killbuck, a Delaware who lived there. It is the family name of the descendants of a prominent Delaware who was converted by the Moravian missionaries.
- KILSOKWA.** Granddaughter of The Little Turtle. Born 1810; died Sept. 4, 1915. Pronounced Kil-so'-kwā. Her father, Little Turtle's son, was named Wak-cin'-ga, or The Crescent Moon, literally "Lying Crooked". She married Antoine Revarre, and passed her later years near Roanoke, in Huntington County.
- KOKOMO.** County seat of Howard County; also small stream near there. Named for a Thorntown Indian, whose name was Ko-ka'-ma, or The Diver.
- LAGBO.** Town in Wabash County, from Le Gros, the French nickname of a Miami chief who lived there. The Miamis called him O-sa'-mo-ni, which means nothing, and is no doubt a corruption of On'za-lā'-mo-ni, the original name of the Salominie River, which empties at this point, and which the Indians gave the same name. See Salamonie.
- LITTLE DEER CREEK.** Stream in Miami County. The Miami name is a-pās'-sī-a, which is their word for fawn.
- LITTLE MUNSEE.** A Delaware town four miles east of Anderson, on the site of the old Moravian mission. For meaning see Muncie.
- LITTLE RIVER.** Tributary of the Wabash, through which the portage to the Maumee was reached. Its Miami name is Pa-wi'-kam-si'-pi, or "Standing Still River", i. e. with no current.
- LOGANSFORT.** County seat of Cass County, named for Captain Logan, a Shawnee Indian. His Indian name was Spemica Lawba, or High Horn. The Indians sometimes call Logansport Ki-na-pi'-kwo-mā'-

kwa, because it is on the site of the old Miami Town of that name; and sometimes call it Sa'-kí-wá'-kí, because it is at the mouth of Eel River.

**MACHESAW.** Common form of name of reservation for a Potawatomi named Mā'-tcis-sa, or Bleating Fawn.

**MANHATTAN.** Postoffice in Putnam County, named for Manhattan Island, New York. The original form of the word was Manatte—in Hudson's journal it is Mana-hata—which is almost certainly intended for the Delaware word "menatey", meaning an island.

**MAJENICA.** Postoffice, and creek, in Huntington County, named for a Miami chief, Man-jí'-ní-kíā, or Big Frame.

**MAKKAHTAHMOWAY.** Common form of name of a Potawatomi chief, Mā-ka'-ta-m'wā, or Black Wolf, who had a joint reservation with Menominee, at Twin Lakes, in Marshall County.

**MANITOU.** Lake in Fulton County. This is the Potawatomi ma-ni'-to, referring to a spirit or monster said to inhabit the lake.

**MAUMEE.** River of northeastern Indiana, tributary to Lake Erie. The name is a corruption of Mi-a'-mi. It was formerly called Ottawa River from the residence of part of that tribe on its banks. John Johnston gave "Cagh-a-rén-du-te, or Standing Rock" as the Wyandot name of the stream.

**MARAMECH.** Old name of a band of Miamis. It is the Peoria word for catfish, sometimes written maramek or maramak. The Miami form is mi-ál'-lo-māk, sometimes written malamak, and the Odjibwa form is manamak, or manumaig. The Miamis of Maramech were probably incorporated in what were known as the Eel Rivers at a later date.

**MASCOUTIN.** A tribal name, which is substantially translated in their old name of the Fire Nation.

**MAXINKUCKEE.** Lake in Marshall County; name corrupted from the Potawatomi name, Mōg-sin'-ki-ki, or Big Stone Country. The Miamis called it Māng-sān'-ki-ki, which has the same meaning. In the report of the survey for the Michigan Road, the name is given Mek-sin-ka-keek (Ind. Doc. Journal, 1835, Doc. No. 8.).

**MAZAQUA.** Reservation in Cass County for Miami chief Mi-zí'-kwa, meaning hail or hailstone.

**MEMOTWAY.** Reservation in Fulton County for band of Potawatomi chief Mēh'-mūt-we', or The Cat Bird. The literal meaning of the word is "complaining", or "crying out from pain", referring to the bird's note.

**MENOMINEE.** Potawatomi reservation in Marshall County, and village at Twin Lakes, for band of Mí-nōm'-í-ní. The name means wild rice.

**MERRIAM.** The Miamis call this town *Tei'-kam-un'-gi*, or Place of the Twin, because McClure, who had a trading post there, had a twin brother.

**MESHINGOMESHA.** Most common corruption of name of reservation in Wabash and Grant counties for band of Miami chief *Mi'-cin'-gwā-mīn'-dja*, or Burr Oak Tree.

**MESQUABUCK.** Reservation and village in Kosciusko County, at site of town of Oswego, for Potawatomi chief *Mēs'-kwa-būk'*. The name means "reddish or copper colored".

**METEA.** Postoffice in Cass County, named for Potawatomi chief, *Mi'-ti-a*, or "Kiss Me". His Village was at the mouth of Cedar Creek, q. v.

**METOSANYAH.** Reservation, same as Meshingomeshia, q. v., his father; also a neighboring creek. The name *Mā'-to-sān'-ia*, commonly abbreviated to *To-sān'-ia* means Indian, or literally, "the living".

**MIAMI.** Name of county, town, townships and streams, all named for the Miami nation. The plural form is *Mi-a'-mi-a'-ki*, but the early French chroniclers wrote it *Oumiamiouek* or *Oumiamiak*, which is presumably their corruption of *Wemiamik*, the Delaware name of the Miamis, as given in the *Walum Olum*, meaning literally "all beavers", and figuratively "all friends".

**MICHIGAN.** Name of lake and city; probably of *Odjibwa* origin; compounded of *Mi'-ci*, meaning "great", and *sā'-gi'-e'-gan*, meaning "lake".

**MISHAWAKA.** Town in St. Joseph County. The name is a corruption of the Potawatomi *m'cē'-wa-ki'-ki*, meaning "country of dead trees", i. e. a deadening.

**MISHIKINOQKWA.** Name of the celebrated chief Little Turtle, also his village on Eel River, pronounced *mi'-ci-ki-nōq'-kwā*, the "q" representing a sound of "gh" similar to German "ch". The literal meaning is "the Great Turtle's wife", but specifically it is the name of the painted terrapin (*chrysemys picta*). It is commonly used as a personal name by the Miamis.

**MISSISSINEWA.** Tributary of the Wabash, emptying at Peru. The name is a corruption of the Miami name *Nā-ma'-tel-sin'-wī*, which means "it slants", or as applied to a stream, "it has much fall".

**MODOC.** Postoffice in Randolph County. The name is said to be the Shastee word for "enemy."

**MOHAWK.** Postoffice in Hancock County, named for the Iroquois tribe. The name is said to be corrupted from *Maugwawogs*, meaning "man-eaters".

**MONON.** Postoffice, township and creek. This is a Potawatomi word, equivalent to the word "tote" as used in the South.



**MOTA.** Reservation and town in Kosciusko County. The name is pronounced *mo'-te*, and means a jug, or big bottle.

**MUKKONSQUA.** Name given to the celebrated captive Frances Slocum. It is pronounced *mük-kons'-kwä*, and means Little Bear Woman.

**MUKKOSÉ.** Reservation and village in Marshall County, meaning Little Beaver.

**MUNCIE.** County seat of Delaware County, formerly called Munseetown or Muncney Town. This word, also spelled *Monsey* and *Monthee*, was originally *Min'-si* or *Min'-thi-u*, meaning "people of the stony country". The Delaware name of their town which stood here, or of the old town just above it on the other side of the river, was *Wa'-pi-kami'-künk*, or White River Town. The name *Outainink*, sometimes applied to it, is the Delaware *u'-tën-ink*, which means "place of the town", or "place where the town was".

**MUSKACKITUCK.** River in southern Indiana, often improperly written *Muscatauck*. The Delaware name was *Mösch-äch'-hit-tük*—"ch" sounded as in German—or Clear River. In *Ind. House Journal*, 1820-1, p. 54, the name is given *Muschachetuck*.

**MUSKELONGE.** Lake in Kosciusko. The name means "the great pike". The *Odjibwa* form of this word is *maskinonge*.

**NANCY TOWN.** Delaware village on White River, properly *Nantikoke*, from an Indian of that name who lived there. The *Nantikokes* were a sub-tribe of the Delawares, the name meaning "tide-water people".

**NAPPANEE.** Town in Elkhart County. The name is the *Missisauga* *nä'-pa-ni*, meaning "flour".

**NASWAWKEE.** Reservation in Marshall County, of *Näs-wa'-ka*, a *Potawatomi* chief. The name means "The Feathered Arrow".

**NEAHLONGQUAH.** Reservation in Allen County, for a Miami named *Nä-wi'-lëng-wön'-ga*, meaning "Four Wings". He was called "Big Legs" by the whites.

**NOTAWKAH.** *Potawatomi* chief who shared the *Menominee* reservation in Marshall County. The name *No-ta'-ka* means "he hears", or "he listens".

**OKAWMAUSE.** *Potawatomi* reservation, properly *O'-ko-mouse*, meaning "Little Chief".

**ONTARIO.** Postoffice in Lagrange County. *Schoolcraft* says this is a *Wyandot* word—originally *on-on-ta-ri-o*—meaning "beautiful hills, rocks, waters".

**OSAGE.** Name of Miami town at mouth of the *Mississinewa*, given because an *Osage* Indian lived there. The Miami name was *Wa-ca'-ci*, which is their name for the *Osage* tribe.

**OHIO.** River and county. Ohio is an Iroquois exclamation signifying "beautiful". The Miami name of the river is Kan-zān'-zā-pi'-wi, or Pecan River.

**OSCEOLA.** Postoffice in St. Joseph County, named for the Seminole chief. The word, properly ōs'-y-o-hūl'-la, is the name of the great "medicine drink" of the Creeks, called "black drink" by the whites, a decoction of the leaves of the cassena or yaupon (*ilex vomitoria*).

**OSWEGO.** Town in Kosciusko County, at the outlet of Tippecanoe Lake. The word is Iroquois, meaning "flowing out". The town is on the site of the Potawatomi village of Meskwabuk.

**OTSEGO.** Township in Steuben County. The name is Iroquois, from the New York lake, and is said to refer to a rock in that lake.

**OTTAWA.** Early name of the Maumee River. This, or its short form, Tawas, is said to mean "traders".

**OULATANON.** Miami tribe, and French post on the Wabash, now shortened to Wea. It is from the Miami wa-wi'-a-tan'-wi, meaning "an eddy", literally "it goes in a round channel"; and the terminal locative; i. e. "Place of the eddy".

**OWASCO.** Postoffice in Carroll County. An Iroquois word meaning "floating bridge".

**PATOKA.** River, tributary to the Wabash. Pa-to'-ka is the Miami word for Comanche, a number of whom were held as slaves by the Illinois and Miamis in early days. The French wrote it Padocquia or Padouca.

**PERU.** The site of this city was called ik'-kī-pīs-sīn'-nung, or Straight Place, by the Miamis, because the Wabash at this point is straight for about two miles.

**PIANKESHAW.** Miami tribe. The name is pronounced Pi-ün-gī'-ca; meaning uncertain.

**PIPE CREEK.** Stream and township in Cass County. The name is a literal translation of the Miami name of the stream, Pwa-ka'-na.

**PESHEWA.** Common corruption of Pin-ji'-wa, the name of Jean Baptiste Richardville, last head chief of the Miami nation. The word is the name of the wildcat, but is now commonly used for the domestic cat.

**PONCEAU PICHOU.** An American corruption of Panse au Pichou, the French name of Wildcat Creek; a literal translation of the Miami name, Pin-ji'-wa-mo'-tai, or Belly of the Wildcat. Written also Ponce Passu.

**POTAWATOMI.** Indian tribe. The name means Makers, or Keepers, of the Fire.

**PROPHET'S TOWN.** See Kithtipiekanunk.

- RACCOON CREEK.** Tributary of the Wabash. The name is a translation of the Miami name, *ā-se-pa'-na-si-pi'-wi*.
- ROANOKE.** TOWN in Huntington County. The name is the word used by the Virginia Indians for their shell-money; written also *roenoke*, *rawrenock*, etc.
- RUSSIAVILLE.** TOWN in Howard County. The name is a corruption of *Richardville*, the name originally given to the County, in honor of the Miami chief.
- ST. JOSEPH RIVER.** Tributary of Lake Michigan. The Miami name is *Sa-kī-wā-si-pi'-wi*, or *Coming-out River*, referring to the portage at South Bend. The Potawatomi form of the name is *Sag'-wa-si'-bi*.
- ST. JOSEPH RIVER.** The north fork of the Maumee. The Miami name is *Ko-tei'-sa-si'-pi*, or *Bean River*.
- ST. MARY'S RIVER.** South fork of the Maumee. The Miami name is *Ma-me'-i-wa si-pi'-wi*, or *Sturgeon Creek*. John Johnson said the Shawnee name was *Cokotheke sepe*, or *Kettle River*.
- SALAMONIE.** Tributary of the Wabash. This is a corruption of the Miami name *On'-za-lā'-mo-ni*, the Miami name of the blood-root (*sanguinaria Canadensis*), literally "yellow paint", which is given to this stream.
- SHANKITUNK.** Stream in southern Indiana. The word probably means "Shady place".
- SHAWNEE.** Creek and township in Fountain County, named for the Indian tribe. The name means "Southerner". The Miami form is *Ca-wan'-wa*.
- SHEPAHCANNAH.** The Miami husband of Frances Slocum; and his village on the Mississinewa. The word means "the awl"; and is pronounced *Ci-pa'-kā-na*. In later years he became deaf, and was called *Kā-kīp'-ca*, or *The Deaf Man*; and his village was called *The Deaf Man's Village*.
- SHIPSHEWANA.** Postoffice in Lagrange County, also creek and lake, named for a Potawatomi Indian, *Cūp'-ci-wa'-no*, or "Vision of a Lion".
- SOUTH BEND.** The site of South Bend was called *Sa'-kī-wā-yun'-gī*, or "Coming out place", i. e. the beginning of a portage.
- SUGAR CREEK.** Tributary of the Wabash, originally called *Sugar Tree Creek*, which is the meaning of the Miami name *Sā-na-mīn'-djī si-pi'-wi*.
- TATAPACHSIT.** A Delaware chief, otherwise known as *The Grand Glaize King*, and his town on White River. *Tā-tā-pach'-sī-ta* is the Miami form of his name, and means "It splits in a circle—or spiral". The Delaware form is *Tā-tā-pach-skī*, recorded in a Pennsylvania treaty

as "Tatabaugsy or The Twisting Vine". The word is probably the name of the American Woodbine (*lonicera grata*), the one twisting woody vine of the Delaware habitat.

**TECUMSEH.** Postoffice in Vigo County, named for the Shawnee Chief Ti-kūm'-tha. The name means "going across" or "Crossing over"; and as he belonged to the Spirit Panther clan, it indicates a meteor crossing the sky.

**THORNTOWN.** In Boone County. Godfroy gave the name of the Indian village here as Ka-wi-a-ki-un-gi or "Place of Thorns." Sarah Wadsworth called it Ka-win-ja-ki-un-gi, i.e., "Thorn Tree Place."

**TIPPECANOE.** River, lake, county, town and townships. The name is a corruption of the Potawatomi Ki-tāp'-i-kōn-nong, meaning Ki-tāp'-i-kōn place or town. Ki-tāp'-i-kōn is their word for the buffalo fish, and was the name of the river. See Kitatappecanunk.

**TOPEAH.** Reservation in Allen County of Miami chief, known as Francois Lafontaine. His Miami name, To'-pi-a, means "Frost on the Bushes".

**TOPEKA.** Postoffice in Lagrange County, named for city in Kansas. The word is the Shawnee name of the Jerusalem artichoke (*helianthus tuberosus*).

**TRAIL CREEK.** Tributary of Lake Michigan, at Michigan City. The name, and the French name, Riviere du Chemin, are translations of the Potawatomi name, Mi-ē'-wē-si-bi'-we.

**TWIGHTWEES.** English name for the Miamis, formerly written Twichtwicks, Tawixtwis, or twigh-twighs, probably the Iroquois word for "snipe".

**VERMILLION.** Tributary of the Wabash, and County named for the river. Hough gives the Indian name as Osanamon, which is an Algonquian name for Vermillion paint, meaning "yellow-red". The French called the river Vermillon Jaune. The Miamis use a-lā-mo'-ni for vermilion paint.

**WABASH.** River, county, city and townships. The Miami name of the river is Wa'-ba-ci'-ki, or Wa'-pa-ci'-ki, "b" and "p" being convertible in Miami. This is an adjective implying that the object to which it is applied is pure or bright white, inanimate, and natural. In this case it refers to the limestone bed of the upper part of the stream.

**WABASH.** County seat of Wabash County. The Miamis called this location Ta'-king-ga'-mī-un'-gi, or "Cold (running) Water Place", referring to a fine spring, known as Paradise Spring, Hanna's Spring, or Treaty Spring.

- WAGO.** Postoffice in Daviess County. The name is that of a sub-tribe of the Wichita Indians, pronounced We'-ko, and sometimes written in the Spanish form Hueco. It is said to be their word for "heron".
- WAKARUSA.** Postoffice in Elkhart County, named for the Kansas stream. It is said to mean "hip-deep".
- WALUM OLUM.** The celebrated record obtained from the Delaware Indians on White River. The name is pronounced wa'-lüm o'-lüm, and means "painted record".
- WAPASEPAH.** Reservation in Allen County, for Wa'-pā-se'-pa-na, or The White Raccoon, a Miami.
- WAWASEE.** Lake and postoffice in Kosciusko County, named for a Potawatomi chief Wa'-wi-ās'-si. This is the word for the full moon, literally "the round one".
- WAWPECONG.** Postoffice in Miami County. Sarah Wadsworth says this place was originally called Wa'-pi-pa-ka'-na, or shell-bark hickories, from a number of these trees growing there.
- WEA.** Creek, postoffice and prairie in Tippecanoe County. The name is an abbreviation of Ouiatanon, which see.
- WESAW.** Reservation and creek in Miami County named for the Miami chief Wi'-sa. The name means the gall-bladder.
- WHITE RIVER.** The largest tributary of the Wabash. Its Miami name is Wa'-pi-ka-mi'-ki, or "white waters". The Delawares sometimes used this name, and sometimes called it Wa'-pi-hā'-ni, or White River.
- WINAMAC.** County seat of Pulaski County, named for a Potawatomi chief, Wi'-na-māk'. The word means "cat-fish"; literally "muł fish".
- WINNEBAGO.** An old Indian town, whose site is now in the suburbs of Lafayette. The name means "people of Winnipeg", and Winnipeg means "stinking water".
- WINONA.** Lake and Assembly ground near Warsaw. The name is the same as the Wenonah of Longfellow's Hiawatha. It is a Sioux proper name, given to a female who is a first-born child.
- WYALUSING.** Stream in Jennings County, named for the Pennsylvania stream. Heckewelder says that the word—"properly M'chwihillusink"—means "at the dwelling-place of the hoary veteran".
- WYANDOTTE.** Postoffice in Crawford County, named for the Indian tribe. The name probably means "People of One Speech". The tribe is also known by its French name, Huron.
- YELLOW RIVER.** Tributary of the Kankakee, which Brinton identifies with the Wisawana (Yellow River) of the Walum Olum. The Potawatomi name of this stream is We-thau'-ka-mik', or "Yellow Waters".

## CHAPTER III

### THE EUROPEAN CLAIMANTS

The first European grant covering Indiana quickly followed the discovery of America by Christopher Columbus, for in 1493, Pope Alexander VI, a Spaniard by birth, issued a bull granting to the crowns of Castile and Aragon, "all lands discovered, and to be discovered," beyond a line drawn from pole to pole one hundred leagues west from the Azores or Western Islands, excepting only any lands that had previously been occupied by any other Christian nation, of which, of course, there were none on this continent. The other Christian monarchs paid little respect to this title, however, and, in 1496, Henry VII of England issued a patent to John Cabot and his sons, "to seek out and discover all islands, regions and provinces whatsoever, that may belong to heathens and infidels," and "to subdue, occupy and possess those territories, as his vassals and lieutenants." Armed with this authority, Cabot and his son Sebastian, in the next two or three years, probably discovered the mainland of North America, and skirted the Atlantic coast from Labrador to Florida.

Very little resulted from this except the resort of various European nations to the New Foundland banks for fishing. The principal object of Columbus had been to find a direct route to the East Indies to trade for spices, and especially for pepper. For the next century the explorers were chiefly engaged in efforts to find a Northwest or Northeast passage to "Cathay," for the same purpose, except that the Spaniards, having found a more direct road to wealth by plundering the natives of Mexico and Peru of their gold and silver, turned business enterprise largely in that direction. In 1534 Jacques Cartier discovered the St. Lawrence River, and later brought over two hundred colonists, who abandoned their settlement after two years of hardship. In 1538-42, De Soto made his eventful progress through the Gulf states, murdered some thousands of Indians, and demonstrated that the natives of the United States had no personal property that was worth taking. This exempted those unfortunates from the advantages of civilization until in 1607 the English settled in Virginia, in 1608 the French settled in Canada, and in 1609 the Dutch discovered the Hudson River. The fur

trade now became the chief attraction in North America, and was the controlling factor in our history for the next century and a half.

During this period, nobody in Europe attached any importance to North America for any other purposes, except as a dumping ground for penal colonies and other objectionables. Even Oliver Cromwell tried to induce the New Englanders to remove to Jamaica. Trevelyan very pertinently says: "So little was the Anglo-Saxon plantation of the North American continent due to the deliberate action of statesmen, or to any man's foreknowledge of the vast destinies, that Charles I gave the New World to the Puritans by attempting to suppress them in the Old; while Cromwell in his greater eagerness to spread the Gospel and the British race, attempted a State policy of removal, which, if it had been carried through, would have ruined or at least diminished the colonial expansion prepared by individual energy and religious persecution."<sup>1</sup>

The French statesmen showed more appreciation of the importance of their American possessions, but not very much more. In 1627 Cardinal Richelieu organized the company of the Hundred Associates to promote the colonization of New France; and in 1663 Colbert sent over new supplies of colonists and a strong detachment of troops; but, with the French as with the English, colonial expansion was chiefly due to colonial effort. So far as the fur trade was concerned, the French had the advantage in racial character. They accommodated themselves to Indian life and customs much more readily. A witty French lady observed that it was vastly easier to make an Indian of a Frenchman than to make a Frenchman of an Indian. This distinction was obvious in the clergy as well as in the colonists. The British made an effort to put Anglican clergymen with the Iroquois in place of the Jesuit missionaries of the French, but they could not endure Indian cooking and the unconventionality of Indian life, and soon retired in disgust. Of still more importance was the fact that the company system of English colonization did not offer the same opportunity to enterprising individuals that the French governmental system offered. It is hardly imaginable that an English LaSalle could have obtained the inducements in any British colony that sustained the efforts of the great French expansionist, whose explorations first brought knowledge of the lands of Indiana.

In the past few years there has been considerable activity among the advocates of an early discovery of some of the headwaters of the Ohio by English colonists, in the course of whose arguments it has been thought desirable to question that LaSalle discovered the Ohio in 1669-70,

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<sup>1</sup> England Under the Stuarts, p. 324.



SIEUR DE LA SALLE

(From a painting by Leon Meyer, owned by Mine. Suchet de la Buesnerie. Presents three reputed likenesses: Above, the Margry portrait; lower left, a medallion belonging to M. Edward Pelay of Rouen; lower right, profile, belonging to the Public Library at Rouen; center, the La Salle arms.)



and followed it to a point below the mouth of the Wabash. The leader in this assault is Mr. Charles A. Hanna, who says: "The evidence as to LaSalle having explored any other tributary of the Ohio than (possibly) the Wabash bears so many marks of having been fabricated after 1684, for the purpose of strengthening the French claim to the Ohio Valley, that it seems to the writer only a question of time when that evidence must be declared to be wholly false."<sup>2</sup> This has been followed by some investigators who should have known better,<sup>3</sup> for there is an abundance of evidence completely refuting any such theory. Mr. Hanna is presumably, not familiar with the literature on the subject, or he would not, in his lengthy discussion of it, have omitted any mention of such contemporaneous records of LaSalle's Ohio expedition as *Sieur Patoulet's* letter of November 11, 1669, stating that "Messrs. de la Salle and Dolier, accompanied by twelve men, had set out with a design to go and explore a passage they expected to discover communicating with Japan and China;" or *Intendant General Talon's* report of October 10, 1670: "Since my arrival I have dispatched persons of resolution, who promise to penetrate further than has ever been done; the one to the West and Northwest of Canada, and the others to the Southwest and South;" or *Colbert's* reply in February, 1671: "The resolution you have taken to send *Sieur de la Salle* towards the South, and *Sieur de St. Luisson* to the North, to discover the South Sea passage, is very good."<sup>4</sup>

Mr. Hanna's argument is based on a misunderstanding of a fragmentary document quoted by Margry, which is an attempt of LaSalle to reconcile the DeSoto accounts of the River Chucagoa with his own acquaintance with the country, and an equal misunderstanding of other documents quoted by him. The fragmentary document opens with a reference to the Chickasaws, and continues: "The Chucagoa, which is to say in their language the great river, as Mississippi in Ottawa, and Mascicipi in Illinois, is the river which we call St. Louis. The River Ohio is one of its branches, which receives two others quite large before emptying into the River St. Louis, that is to say the Agoussake from the north and the river of the Chaouenons from the south. This river flows from east to west, and therefore it should empty into or join the Mississippi, for the Takahagane, who live on the banks of the Chucagoa, are not more than three days from the Mississippi where we saw them coming down and returning."<sup>5</sup>

<sup>2</sup> *The Wilderness Trail*, p. 87.

<sup>3</sup> Alvord and Bidgood, in *First Explorations of the Trans-Allegheny Region*, pp. 23-4.

<sup>4</sup> *N. Y. Col. Docs.*, Vol. ix, pp. 787, 64, 789; Margry, Vol. 1, p. 81.

<sup>5</sup> Margry, Vol. 2, pp. 196-203.

Ta-ká-ha-ká-ní is the Miami word for tomahawk, and this was presumably the band of some chief of that name. Obviously LaSalle did not see them when he was descending or ascending the Mississippi, as they were three days' journey from it. What he plainly means is that he saw them when he descended the Ohio, and was forced to take to the land on account of the "vast marshes." Mr. Hanna mis-translates LaSalle's statement of 1677, that he discovered the Ohio and followed it to a place "ou elle tombe de fort haut dans de vastes marais." These words do not mean "where it falls from very high into vast marshes," but "where it empties after a long course into vast marshes."<sup>6</sup> Mr. Hanna takes an unwarranted liberty in translating the verb *descendre* "explore," and making LaSalle say that he had been unable to explore the "St. Louis." It is plain that he had in mind his descent of the Ohio, which he explicitly says is a branch of the St. Louis, and means that he had been unable to descend the latter.

LaSalle's idea that the Ohio emptied into vast marshes can be explained only on the supposition that he came down the river in a time of flood, when the low lands near its mouth, which were then covered with canebrakes, would have had the appearance of a marsh. And this same supposition is required to explain every other reference he makes to it. In this same document he says that the Ohio "is much larger in all its course than the Mississippi;" and in his letter of 1680 he says it is "always as large and larger than the Seine at Rouen, and always deeper." As Rouen is the head of sea navigation on the Seine, it is apparent that LaSalle has seen the Ohio but once, and then in flood. That LaSalle was completely puzzled is fully stated in this document. He says: "I am not able to say certainly whether these two rivers (the Chucagoa and the Mississippi) join;" and gives his reasons. He says that "surely the relation of Fernand Soto is not a chimera," and yet the towns named by him are unknown on the Mississippi, and the size of the Chucagoa is too great for the Mississippi, which "is no larger than the Loire at its mouth." Further, "unless all the maps are wrong" the mouth of the Mississippi is near Mexico, and its discharge is to the East-South-East, and not to the South; which condition is only possible in the region where the Escondido (the Rio Grande) is shown to empty. Another thing which he says "makes me think the Chucagoa is other than the Mississippi" is that no large tributary enters the Mississippi from the east. He had seen the mouth of the Ohio, but it, being then at low water, would not do for the Ohio that he had descended. And this state of mind is shown in the Franquelin map of 1684, which was certainly based on in-

<sup>6</sup> Indiana, in Am. Commonwealth Series, p. 10, and note.

formation from LaSalle, and which carries the Ohio, also called Chucagoa and Casquinambou, far to the west of the Mississippi, and then circling, enters the Gulf of Mexico where the Escondido, or Rio Grande enters. And that is probably why LaSalle took his colony to the mouth of the Rio Grande instead of the mouth of the Mississippi (Espiritu Santo) which on Franquelin's map is a short stream, heading south of the Ohio, or Chucagoa.

It is not possible to understand the writings of LaSalle, or of anyone else at this period, unless several things he kept in mind. And first, what is now Ohio and Indiana was entirely uninhabited, on account of the raids of the Iroquois. Second, this region was unexplored, because, aside from the efforts to find a passage to the South Sea, the only exploration was by fur traders; and they did not go where there were no Indians. Third, there is no little confusion from the fact that different Indian tribes had different names for the same stream. And fourth, both writers and map-makers assumed the unknown to explain the known; and occasionally made mistakes in so doing. One of LaSalle's statements that has been widely misunderstood, and especially as to his acquaintance with Indiana, is his reference to the Maumee portage, in which he says that he will not go to the beaver-hunting land "hereafter except by Lake Erie, in which will end the navigation of my barques." He continues: "The river which you have seen marked in my map on the south side of this lake, and towards the end, called by the Iroquois Tiotontaraeton is indeed the route to go to the river Ohio or Olighinsipou, which is to say in Iroquois and in Ottawa the Beautiful river. The distance from one to the other being considerable, the communication is more difficult; but at a day from its mouth into Lake Erie, where it flows through beautiful prairies, in gunshot of its banks, there is a little lake from which flows a stream six or eight yards wide, more than six feet deep where it leaves the lake, and which soon changes to a river by the junction of a number of similar streams which after a course of more than a hundred leagues without rapids receives another little river which comes from the neighborhood of that of the Miamis, and five or six other considerable streams, and then flowing more rapidly along the foot of a mountain it discharges into that of the Illinois two leagues below the village, and from there into the Mississippi. It is called the Ouabanchi or Aramoni. This route is the shortest of all. \* \* \* This river, called Ouabanchi or Aramoui, by which I expect to hold communication between Fort Frontenac and the Illinois, has some veins of copper."<sup>†</sup>

The Aramoni, as has long been known, is the Vermillion of Illinois,

<sup>†</sup> Margry, Vol. 2, pp. 243-5.

the name (Miami a-lä-mó-nl) meaning paint, and specifically vermilion paint. Of course there is no such connection as LaSalle describes, and he probably confused some Indian's account of an actual route of this kind, which was in use then, and afterwards. It is to ascend the Maumee, and its northern fork, the St. Joseph, to Fish Creek, and up that to Fish Lake, in Steuben County, Indiana, near which heads Pigeon River, a tributary of the St. Joseph of Lake Michigan, a stream often run by fishermen to this day. But, on account of LaSalle's description, this imaginary stream was represented on maps for years afterwards, or the Kankakee was extended well over to Lake Erie. But this is always entirely independent of the Ohio, and there is no known map of this period, or for some years later, that indicates any portage from the Maumee to the Wabash.

It is quite possible that Thomas Wood discovered the head waters of the Great Kanawha before 1669, and also possible that Englishmen reached the head waters of the Tennessee still earlier; but that does not affect LaSalle's discovery of the Ohio. There was no secrecy about his movements, and the idea that the accounts of them were fabricated after 1684 is an historical absurdity. Indeed his discoveries were soon known in the English colonies, and freely admitted. In a discussion of the troubles between the French and the English, in his report of February 22, 1687, Governor Dongan of New York says: "The great difference between us is about the Beaver trade and in truth they have the advantage of us in it @ that by noe other meanes than by their industry in making discoveries in the country before us.

"Before my coming hither noe man of our Governmt. ever went beyond the Sinicaes country. Last year some of our people went a trading among the farr Indians called the Ottawais inhabiting about three months journey to the West @ W. N. W. of Albany from whence they brought a good many Beavers. • • • It will be very necessary for us to encourage our young men to goe a Beaver hunting as the French doe.

"I send a Map by Mr. Spragg whereby your Lopps. may see the several Governmts &c. how they lye where the Beaver hunting is @ where it will be necessary to erect our Country Forts for the securing of beaver trade @ keeping the Indians in community with us.

"Alsoe it points out where theres a great river discovered by one Lassal a Frenchman from Canada who thereupon went into France @ as its reported brought two or three vessels with people to settle there which (if true) will prove not only very inconvenient to us but to the Spanish alsoe (the river running all along from our lakes by the back of Virginia @ Carolina into the Bay Mexico) @ its beleevd Nova Mexio



can not be far from the mountains adjoining to it that place being in 36d North Latitude if your Lops. thought it fit I could send a sloop or two from this place to discover that river." <sup>s</sup>

In 1679 LaSalle had built The Griffon, a bark of 60 tons, on the Upper Niagara River, and in it sailed through the Great Lakes to Green Bay, where he loaded it with furs, and sent it back east. Then, in bark canoes, he made his way to the St. Joseph River, and by the South Bend portage to the Kankakee, and on to the Illinois River. His first establishment there; its destruction by the Iroquois; and his second fort on Starved Rock, are primarily matters of Illinois history, but about the latter were gathered all of the Indians that subsequently were located in Indiana. These were in the villages of Ojatenon, Ouabona, Pepikokia, Peanghichia, Miami, and Maramech, as shown in the accompanying section of the Franquelin map, their total being over twenty-three hundred warriors, as marked. There was no material change of location for several years after the assassination of LaSalle, in 1687.

The next prominent figure among the French in the West, after LaSalle, was Lamothe Cadillac, who was placed in command in 1694, and continued until 1697. In that year the Treaty of Ryswick gave Louis XIV some opportunity to look after his American possessions, and he soon approved the plans of Cadillac for fortifying the Detroit River, which was recognized as the key to the lakes. In 1700 Robert Livingston, Colonial Secretary of Indian Affairs, urged the establishment of a post at the same place by the English,<sup>9</sup> but Cadillac anticipated them, and in the summer of 1701, came to the place with fifty soldiers and fifty colonists and built Fort Pontchartrain, a picket inclosure sixty yards square. A number of the western Indians located near the fort, and others began moving eastward. At the same time another influence came from the south. In 1699 Pierre Lemoyne Iberville was sent from France to make an establishment at the mouth of the Mississippi. He built a fort at Biloxi, which was removed to Mobile two years later. In 1700 the Cahokias and Kaskaskias left the Illinois with Father Marest, and established themselves on the Mississippi at their well known villages, and these gradually developed into settlements of the frontier Frenchmen. In 1702 Iberville asked for the removal of the Illinois Indians to the lower Ohio, which was not attempted; but in that year Sieur Juchereau, "Lieutenant eriminal de Montreal," came with thirty-five Canadians and established a post at the mouth of the Ohio, to collect buffalo skins, and a band of Mascoutins located there to aid in the hunting. Juchereau

<sup>s</sup> N. Y. Col. Docs., Vol. 1, pp. 100-1.

<sup>9</sup> N. Y. Col. Docs., Vol. 4, p. 650.

died a few months later, and the fort was abandoned in 1704 by M. de Lambert, who commanded there after Juchereau's death.<sup>10</sup> This Juchereau has been confounded with Juchereau St. Denys, who has also been mixed with other Juchereaus. They are "unscrambled" by M. Pierre Georges Roy, in the *Revue Canadienne* for January, 1917, pp. 49-60.

Cadillac was appointed Governor of Louisiana in 1710, and left Detroit the next year, being succeeded there by Capt. Joseph Guyon Dubuisson. In 1712 the Detroit post was attacked by the Mascoutins, and the garrison was in dire straits until a large force of friendly Indians was brought to the rescue by the *Sieur de Vincennes*. These soon had the best of the Mascoutins, who begged for their lives; but the French and their Indian allies sternly refused any terms. The Mascoutins then fled to the Maumee, whither they were pursued, and there defeated with great slaughter. The Crane tribe of the *Miamis* then located at the site of Fort Wayne, and the remainder of the *Miamis*, who were generally grouped as "*Ouyatanons*" by the French, soon took up their residence on the Wabash, in the locations which they retained for the next century.

Vincennes had been in disgrace for furnishing liquor to the Indians—the Canadian authorities were trying to enforce prohibition as to Indians at that time—but his services had demonstrated how invaluable he was on the frontier, so he was restored to favor, and stationed with the *Miamis* at Kiskakon (later corrupted to Kekionga), their village at the site of Fort Wayne, where he died in 1719. This was Jean Baptiste Bissot, second *Sieur de Vincennes*, who has often been mistaken for the founder of the Indiana post on the Wabash. The fief of Vincennes is a beautiful tract of land just below Quebec, on the south bank of the St. Lawrence, opposite the lower end of the Isle of Orleans, with seventy arpents front on the river, and a league in depth. It is high towards the river with several small streams, one of which was used to run a grist mill. It was granted to Francois Bissot (Byssot) on November 3, 1672. He was a Norman who conducted a number of successful business enterprises in the colony, and his children intermarried with the best Canadian families, one of his daughters being the wife of Joliet, the discoverer of the Mississippi.

Jean Baptiste was declared of age in 1687 by the Sovereign Council, and went to France to seek an appointment. He was admitted to the military establishment, and thereafter spent most of his time in the West, his wife, Marie-Marguerite Forestier, remaining at Quebec, to which her

<sup>10</sup> *Indians*, in *Am. Commonwealth Series*, pp. 36-40.

husband paid visits as his service permitted. The succession to his title has long been a puzzle to students of Indiana history; and it was reserved to M. Pierre Georges Roy, a descendant of the former owner of the fief of Vincennes, and an accomplished scholar, to find the solution in Indiana's centennial year. It is in a letter of Governor De Vaudreuil to the Council of Marine, dated October 24, 1722, and preserved in the Canadian archives, being, in part, as follows:

"I have received the letter which the Council did me the honor to write on June 14, last, in which it had the kindness to mention the approval of his Royal Highness of the efforts I have made to induce the Indians at the River St. Joseph and on the Kankakee to form settlements, and my action in sending Sr. Du Buisson, Captain, to establish a post at the home of the Miamis and to command at this post as well as at that of the Ouiatanons, and to so manage the Miamis as to counteract the practices which the English continue to use to attract the Indians to Orange (New York) . . . The stockade fort which he has had made, and which was finished last May, is one of the best there is in the upper country. It is strong indeed, and a shelter from the insolence of the Indians. This post, which is considerable, ought to have a missionary. It would be possible to send one in 1724 if the Council sends to Canada next year the four Jesuits I have asked.

"The band of forty or fifty Ouiatanons who were established on the Kankakee have decided to return to their ancient home since they have seen that the majority of the nation did not wish to abandon it. The Sieur de Vincennes, the son, who is only a cadet in the troops, commands at the home of this tribe under the orders of Sieur Du Buisson; he has been there since 1718, and he has become very useful for the great influence he has acquired among these Indians, who retain for him the same attachment that they had for the Sieur de Vincennes, his father. His services merit the careful attention of the Council. If I had foreseen the establishment which the King has made this year of a second ensign in each of the twenty-eight companies which his Majesty maintains in Canada, I should have proposed to the Council that he have one of the places which were not filled by the petty ensigns. These are now filled, but as there are three second ensigns with orders for active duty, who should not be admitted to this rank except in places that happen to become vacant, I humbly pray the Council to accord a similar order for active duty to Sieur de Vincennes, so that he may receive the first place that becomes vacant after Sieurs Le Verrier, Sabrevois and Lignery have been promoted." <sup>11</sup>

<sup>11</sup> Correspondance Generale, Can. Archives, Vol. 44. This, with much other valuable matter collected by M. Roy, is printed by him in Vol. 7, Ind. Hist. Soc. Publications, under the title "Sieur de Vincennes Identified."



Jean Baptiste Bissot had but three sons; and of these Pierre died in infancy, and Michel when two years old. The remaining son, Francois Marie, was born June 17, 1700, and was the Sieur de Vincennes who figured in Indiana from 1719 to 1736. Judge Law says that he signed his name "Francois Morgan de Vinsenne," which is explained by the facts, first, that he did not know how to spell either his name or his title; second, that when christened, his godfather was Francois Margane de



PIERRE-GEORGES ROY

Batilly, his cousin; and third, that being in the service at the same time as his father, who signed his name "Bissot Vensenne," he took his godfather's family name for distinction, as was commonly done by the Canadians; and writing it "Margan," it was mistaken by Judge Law for "Morgan," which is not a French name. The letter is also valuable as showing that the stockade fort at the site of Fort Wayne was completed in May, 1722, and this was the first fort built by white men within the bounds of Indiana. The "fort of the Ouïatanons" described in the French relation of 1718, was an Indian stockade, such as they commonly

put around their villages, or adjoining them, whenever they were located in exposed positions. The letter also makes evident the hostile attitude of the French and the British, which increased in intensity for the next forty years.

The war of the Austrian Succession had closed with the treaty of Utrecht, in 1713; and the 15th section of that treaty contained this provision: "The subjects of France inhabiting Canada, and others, shall give no hinderance or molestation to the five nations or cantons of Indians, subject to the dominion of Great Britain, nor to other natives of America who are friends to the same. In like manner, the subjects of Great Britain shall behave themselves peaceably towards the Americans who are subjects or friends to France; and on both sides they shall enjoy full liberty of going and coming on account of trade. As also the natives of those countries shall, with the same liberty, resort, as they please, to the British and French colonies, for promoting trade on one side and the other without any molestation or hinderance, either on the part of British subjects or of the French. But it is to be exactly and distinctly settled by commissaries, who are, and who ought to be accounted the subjects and friends of Britain or of France."<sup>12</sup>

The treaty had similar provisions for free trade between France and England, which were met with riotous objection by the protectionists of England. On this side of the water the treaty, in this feature, was treated as a "scrap of paper," except in so far as it aided either side to get the Indian trade away from the other. This meant that each would side with the Indians in any quarrel with the other, and furnish them with arms and ammunition; also, as rum was the most attractive commodity to the Indians, all restraint on its sale was soon thrown off, and the Indian road to ruin was made smooth. On account of the energy with which the English sought the Indian trade, our Indians were hardly settled in Indiana before the French began trying to induce them to move back to the west, where the English could not so easily reach them.

Meanwhile the English had secured the friendship of the southern Indians, who were enemies of the Algonquian tribes, and incidentally hostile to the French, who supplied them with arms; and, in consequence, trouble opened in that direction. Louisiana had been granted to Anthony Crozat in 1712, but in 1717 he surrendered his charter, and the Mississippi Valley was turned over to the Company of the Occident. The Illinois country, including southern Indiana, was added to Louisiana for governmental purposes, and Bienville was made governor. In 1718 Bienville sent his cousin, Pierre Dugué de Boisbriant, with one hundred

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<sup>12</sup> McDonald's *Select Charters*, p. 232.

n.en, to build a fort on the upper Mississippi for the protection of "the upper settlements" from the pacific English and their Indian allies. He selected a point some sixteen miles above Kaskaskia and completed the fort in 1720, naming it Fort Chartres in honor of the Duc de Chartres. This was a stockade fort of logs, which was replaced thirty-four years later by a substantial stone fortress, under the command of the Chevalier Macarty.

The year 1720 was eventful, for in addition to the completion of Fort Chartres, which was the seat of government of Illinois and southern Indiana during the French period, the Mississippi Company, into which



RUINS OF POWDER MAGAZINE FORT CHARTRES

the Company of the Occident had merged, on September 15 of that year asked the government to establish a post on the Ouabache (i. e. the Wabash and the lower Ohio, treated as one stream) and place a company of troops there "to occupy first the entire country, and prevent the English from penetrating it."<sup>13</sup> Moreover, in this year Kaskaskia was made a parish, and Father de Beaubois was located there as priest. He was very ambitious to enlarge his jurisdiction by an Indian mission, but being in Louisiana, and the dividing line between that province and Canada crossing the Wabash at about the site of Terre Haute, all of the Indiana Indians were in Canada. He therefore united in the call for a post on the Ouabache, and a missionary priest. Everyone who came within his reach was duly impressed with the importance of a post on

<sup>13</sup> Margry, Vol. 5, p. 624.

the Ouabache. Father Charlevoix explained it in 1721, and La Harpe urged it in 1724.<sup>14</sup> In 1725 Dugué de Boisbriant wrote to the Company that, because of the failure to establish a post on the Wabash, "it is much to be feared that the English will take possession of it, and this would entirely ruin the Upper Colony, because it would be easy for them, with the prodigious quantities of merchandise which they ordinarily carry, to win all of the Indians of this region."<sup>15</sup>

In the early spring of 1725 Father de Beaubois started to France to get something done. The Chevalier de Bourgmont gathered twenty-two Indians at New Orleans, to accompany him; but as they were about to embark, their ship sank at its moorings, and all of them declined to try another ship except six, who are listed as follows: "Agapit Chicagou, chief of the Metchigamia, an Illinois nation; Menspéré (a Missouri chief), Boganienheim (Osage), Aguiguia (Otoptata); also Ignon Ouacenisien, daughter of the Missouri chief, and a slave named Pilate, of the Atanana nation." They had a great reception in France; saw all the wonders of Paris and Versailles, went to the opera, and were taken hunting by the King. The account of their visit filled thirty-three pages of *Le Mercure de France*.<sup>16</sup> The Queen was desirous of seeing them, but the King, who was fifteen years old and just married, feared that their "assortment sauvage & trop bizarre" might be bad for her health, and so the unfortunate bride had to be content with an interview with Father de Beaubois.

Father de Beaubois secured orders for a post on the Ouabache; also a missionary for the same; also some nuns to establish a convent at New Orleans. The missionary, Father D'Outreleau, and the nuns, who established the celebrated Ursuline convent at New Orleans, embarked at L'Orient for America, Feb. 22, 1727, on the ship *La Gironde*, commanded by Captain Vauberci, and after a rough voyage, arrived at New Orleans at the end of July.<sup>17</sup> But opposition had arisen. The plan involved the movement of the *Sieur de Vincennes* into Louisiana, with a part of the Wabash Indians, and Gov. de Vaudreuil of Canada did not wish to lose either Vincennes or the Indians; so both Canada and Louisiana began bidding for *Sieur de Vincennes*, who was recognized by all as the one man who could control the Indians. Action was delayed, and meanwhile the English were coming closer, and the Chickasaws were becoming bolder in their raids. Finally, on Oct. 15,

<sup>14</sup> French's Hist. Coll. of La., pt. 3, pp. 114, 123.

<sup>15</sup> Margry, Vol. 6, p. 657.

<sup>16</sup> Vol. 1, 1725; December, pp. 2827-2859.

<sup>17</sup> For detailed account of these events, see *The Mission to the Ouabache, Ind. Hist. Soc. Pubs., Vol. 3, No. 4.*

1730, the Governors of Canada reported: "The Ouiatanons have been led away into the jurisdiction of Louisiana by *Sieur de Vincennes*."<sup>18</sup> It had been intended to establish the post at the junction of the Wabash and the Ohio, but the Indians were unwilling to risk so exposed a situation, and so the location was made at Vincennes, the place being called by the Indians *Tcip-ká-ki-úí-gí*, or Place of Roots (corrupted by the whites to *Chip-kaw-kay*, *Chippewoke*, &c.) on account of the plenty of edible roots in the adjoining prairies.

The allowance for salaries and support of the new post begins, in the French budget, with July, 1731; in the same year the post first appeared on a map, and was first mentioned in official correspondence. On March 7, 1733, Vincennes reported: "You have done me the honor to ask me to send you a statement of the works finished and to be constructed. There is only a fort and two houses in it, and there should at once be built a guard room with barracks for lodging the soldiers. It is not possible to remain in this place with so few troops. It will need thirty men with an officer. I am more embarrassed than ever in this place by the war with the Chickasaws who have come here twice since spring. It is only twelve days since the last party brought in three persons, and as it is the French who have put the tomahawk in their hands, I am obliged to be at expense continually."<sup>19</sup> In 1735 a few Canadian families settled at the post; and so the first permanent settlement in Indiana was begun. The post at Fort Wayne was built ten years earlier, but it was temporarily abandoned later. Post Ouiatanon was also probably established prior to this time, on the north side of the Wabash, a short distance below Lafayette, on a ridge lying west of Sand Ridge Church; but it was abandoned before the American occupation.

Inasmuch as there is a large amount of "local history" in print claiming an earlier date for the foundation of Vincennes, it becomes an essential part of the history of the State to explain its being. The error began with Judge John Law, in an address delivered by him on Feb. 22, 1839, before "The Vincennes Historical and Antiquarian Society." It was evidently the result of extended research in the documents accessible at Vincennes and in the Illinois settlements; and the substance of the results of his research is contained in the following paragraph:

"*Francois Morgan de Vinsenne* ('*Vinsenne*,' for so he spelled his name) was an officer in the service of the King of France, and served in Canada probably as early as 1720, in the regiment '*de Carignan*.' At

<sup>18</sup> Ind. Mag. of Hist., Vol. 12, p. 134.

<sup>19</sup> The Mission to the Ouabache, p. 304.

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any rate, as we are informed, he was engaged in some service with an other officer on the lakes towards Sault St. Marie, for the Governor of Canada, M. de Vaudreuil, in 1725. At what time he took possession here is not exactly known, probably somewhere about the year 1732. There is nothing on our records to show, but an act of sale made by him and Madame Vinsenne, the daughter of Monsieur Philip Longprie of Kaskaskia, and recorded there. The act of sale, dated 5th January, 1735, styles him 'an officer of the troops of the King,' and 'commandant au poste du Ouabache'; the same deed expressing that Madame Vinsenne was absent at the Post. Her signature being necessary to the deed, she sent her mark, or cross, which is testified to as hers, 'X the mark of Madame Vinsenne,' and showing that the good lady was not very far advanced in the rudiments, though her husband was commandant, and her father the wealthiest citizen of Kaskaskia. The will of Monsieur Longprie, his father-in-law, dated the 10th of March, 1735, gives to him, among other things, 408 lbs. of pork, which he wishes 'kept safe until the arrival of Mons. Vinsenne', who was then at the Post. There are other documents there signed by him as a witness in 1733-4; among them one of a receipt for 100 pistoles, received from his father-in-law, on his marriage. From all these proofs, I think it evident that he was here previous to 1733, and left with his command, on an expedition against the Chickasaws, in 1736, by orders from his superior officer at New Orleans. \* \* \* On looking at the register of the Catholic church, it will be found that the change of name from Vinsenne to Vincennes, its present appellation, was made as early as 1749. Why or wherefore I do not know. I wish the original orthography had been observed, and the name spelled after its founder, with the 's' instead of the 'c,' as it should be."

Of course the change of spelling was due to the fact that the parish priest knew how to spell, at least better than *Sieur de Vineennes*; and the "*regiment de Carignan*" is merely an unfortunate pretension to learning; but with these exceptions Judge Law's conclusions in this passage are quite accurate. Unfortunately he found a reference in a letter of Father Marest, dated Nov. 9, 1712, to *Sieur Juchereau's* post at the mouth of the Ohio, or "*Ouabache*" as it was then called; and took it for a reference to Vincennes; and this caused him to abandon the uniform tradition that the settlement was begun by the *Sieur de Vincennes*. The error was quickly pointed out, but Judge Law refused to abandon it; and subsequent writers tried to fortify his position by fictitious records and manufactured tradition. In reality local tradition was exhausted half-a-century before Judge Law's time, by Major Henry Vanderburgh. Winthrop Sargent, the Secretary of Northwest Terri-

tory, had been charged with the duty of carrying out the provisions of a resolution of Congress, adopted in 1788, for adjusting the land claims of the French settlers. He called on Vanderburgh for information as to the Vincennes settlement, and he could not have made a better selection. Vanderburgh was born at Troy, N. Y., in 1760, and entered the 5th New York Regiment, Continental Line, as lieutenant, at the age of sixteen, being later promoted to captain. He came west



JUDGE JOHN LAW

about 1788 and located at Vincennes, where, in February, 1790, he married Frances Cornoyer, daughter of Pierre Cornoyer, one of the principal residents of the place. In 1791 Gov. St. Clair appointed him Justice of the Peace and Probate Judge for Knox County. In 1799 he was selected by President Adams as a member of the Legislative Council of the Territory, and was chosen President of that body. In 1800 he was made one of the Judges of the Supreme Court of Indiana Territory, and held that office until his death on April 5, 1812. It was his

son whose tragic death, while acting as agent for the American Fur Company, is recounted by Irving in *The Adventures of Captain Bonneville*. Judge Vanderburgh's report to Sargent is in these words:

"In answer to Col. Sargent's enquiries, Major Vanderburgh has the honor of replying as follows, viz.

"Vincennes had its name from Monsieur de Vincennes, who was the first Frenchman that encamped on this ground as he passed with French troops from Canada, to Louisiana, in or about the year 1737. Monsieur de Vincennes was afterwards burnt with a Jesuit by the Chickasaws. It appears that there were no more than three French families here in the year 1745.—That Monsieur St. Ange, the only French officer that ever commanded here arrived in the year 1747 or 48,—That he commanded here till the 18th May 1764, on which day he appointed Monsieur Rusherville, who it appears was then doing the duty of Captain of the Militia, to succeed him and gave him instructions accordingly,—after the death of Rusherville, which happened in the year 1767, Lieutenant Chapard commanded until his decease, when the command devolved on Monsieur Racine St. Marie, the Ensign, who always received his orders from the British commandants in the Illinois;—my informants have not been able to mention the duration of these respective commands, —Monsieur Racine continued to command till the arrival of Mr. Abbet, a British officer in the year 1777, who returned to Detroit the same year after building a small Fort, and leaving the command with Monsieur Bolon, who surrendered the same to Capt. Helmes, of the Virginia troops in July, 1778—Governor Hamilton arrived in Nov. or Dec. in the same year, and took Helmes and the Governor prisoners and repaired the works,—he was taken by General Clark, in the month of February 1779. The population of this place appears then to have been about three hundred families,—at this time there are about 110 houses in the Village in which people dwell, and about 75 in the country—I estimate the number of souls upwards of 1,200. 30,000 bushels of Indian corn raised last year, and 12,000 bushels of Wheat, weighing about 60 lbs. to a bushel. 28th Oct. 1797." <sup>20</sup>

It will be noted that tradition, when tradition actually existed, put the dates of the founding of the post, and the coming of St. Ange later than the reality, instead of earlier; but aside from this feature Vanderburgh's statement is a quite full statement of the civil government, which consisted chiefly of the will of the Commandant, at Vincennes as well at the other two Indian posts, Ouiatanon and Fort Wayne. Life at all of them was a monotonous affair, except for occasional trouble with

<sup>20</sup> *Farmers & Mechanics Journal*—Vincennes—March 29, 1823.



the Indians, which was usually stirred up by the English. The first and greatest of these came in 1736, when Gov. Bienville, of Louisiana, determined to invade the Chickasaw country, and called on the upper settlements for assistance. Vincennes, with a part of his little garrison, and a band of Indians, joined D'Artaguiette, with a contingent from Fort Chartres, and this force, arriving in the enemy's country before the Louisiana troops, undertook to attack alone; but fell into an ambuscade, and were routed with great slaughter. It was a terrible blow to the little settlements—as Toussaint Loizel wrote: "It is a mortal desolation to us poor people of Illinois to see ourselves deprived of so many brave men." An idea of it may be had from the statement of the "Monsieur Rusherville," mentioned above as the successor of St. Ange at Vincennes, as recorded by Moreau St. Mery in 1739, in his history of Louisiana:

"Relation made by Sieur Drouet de Richardville of the engagement which M. de Artaguiette had with the Chickasaws in the month of March 1736, on the way to Fort St. Frederic. He reports that in this engagement three of his brothers were killed; that he himself received two gunshot wounds, one in the left arm, and one at the base of the stomach, and an arrow wound in his wrist; that he was taken arms in hand by three Chickasaws and brought to a village with 22 French, of whom 20 were burned at the stake, among others; Father Senat, Jesuit; Messrs. d' Artaguiette, de Vincennes, de Coulanges, de St. Ange fils, Du Tisne, d'Esgly de Tonty the younger. These gentlemen were burned with Father Senat on the day of the fight, from 3 o'clock in the afternoon to midnight. The others who were burned were officers and militiamen. Sieur Courselas, or Coustillas, officer, was burned three days later at the large village, with an Iroquois from the Sault St. Louis; Sieur Courselas had been detailed with 35 men to guard the ammunition. Being misled he came to the village of the Chickasaws without knowing where he was going. He was not able to learn what became of the 35 Frenchmen who were with Courselas. He was conducted to the cabin of the chief of the village of Joutalla, where he was guarded for six months by the young men, after which he was given full liberty, and hunted with the Chickasaws." <sup>21</sup>

There is some additional light thrown on this tragic affair by the following reference to it in a defense of the Jesuits after their expulsion from Louisiana in 1763: "In 1736, Father Senat, missionary to the Illinois, was appointed to accompany M. d'Artaguiette, who conducted a party of French against the Chickasaw. The enterprise was

<sup>21</sup> Ind. Mag. of History, Vol. 12, p. 135.

unfortunate. The French were upon the point of being surrounded by the savages when the missionary was warned that he still had time to escape. He was offered a horse, but refused it, remembering the purpose of his voyage and the need that the French captives would soon have of his succor. He was seized with them and led as they were to torture; a savage woman, utterly ignorant of the Christian religion, was a witness of their death. She reported, a little while afterward, that the French who were captured by the Chickasaw had been thrown upon a lighted pile of wood in a large cabin, 'after they had sung in order to go on high.' Seeing their manner and their gestures, she had comprehended that the prayers which they were singing were to guide them to heaven."<sup>22</sup>

After this calamity, St. Ange, the father, who was commanding temporarily at Fort Chartres, and whose eldest son, Pierre, had been killed with Vincennes, asked the place of Vincennes for his younger son, Louis, who was then at a post in Missouri, and the request was granted. "St. Ange" was a nick-name of the father, his real name being Robert Groston; and our new Commandant, probably to distinguish himself from his father, also assumed his mother's nick-name, "Bellerive." The French indicated a nick-name by the word "*dît*"; and in the course of years, Louis Groston, *dît* St. Ange, *dît* Bellerive, came to be known as Sieur de St. Ange de Bellerive; and this has served all the purposes of "the boast of heraldry" quite as well as if it had been a genuine title of nobility.

The wars between the French and the English in America were fought far to the east of Indiana, and had little effect on the settlements here, the only immediate troubles were due to the rivalry of the fur traders, and occurred while the two nations were at peace. In 1733 there were three French traders killed by some Oniatanon youths in a drunken affray growing out of a trading squabble, but this was purely local and personal, and was settled without bloodshed. In 1745 a band of Hurons, under their war chief Nicholas, were offended by the French at Detroit, and removed from the Detroit River to the north side of Sandusky Bay. Late in the same year a party of English traders from Pennsylvania visited "Sandosket" and had a very friendly reception from Nicholas, who gave them permission to erect a blockhouse and trading post at Sandosket. From that time English influence grew rapidly in the West. On June 23, 1747, five French traders from near Vincennes arrived at Sandosket with a lot of peltries. Nicholas was incensed at their coming to his village without his consent, and, by advice

<sup>22</sup> Ill. Hist. Coll., Vol. 10, p. 88.



of the English traders, seized them and their goods. The next day he had the French traders killed, and sold their peltries to the English traders. Under instructions from the Governor of Canada, the Chevalier de Longueuil, Commandant at Detroit, demanded the surrender of the murderers, the expulsion of the English traders from the town, and future alliance with the French. These demands were not complied with, and an expedition against Sandosket was prepared. Meanwhile Nicholas was also preparing for trouble and by August, 1747, had formed a conspiracy of parts of nearly all of the western tribes except the Illinois to drive the French out of the country. On one of the holidays of Pentecost all of the French forts were to be taken by surprise, and the French were to be massacred. The plot was revealed by a squaw, and the energetic measures of M. de Longueuil prevented most of the contemplated work. The chief success was at Fort Miamis, at Kekionga. Ensign Douville, who commanded there was absent, having gone to Montreal with Coldfoot and the Hedgehog, two friendly Miami chiefs, when the hostile Miamis took the fort by surprise, and burned it to the ground. The eight men who formed the garrison were made prisoners, but were afterwards released. Kekionga was abandoned until in February, 1748, Sieur Dubuisson came with a party of French soldiers from Detroit and rebuilt the fort. On September 22, 1748 a force of one hundred and fifty soldiers from Montreal arrived at Detroit, and Nicholas sued for peace, which was granted. On April 7, 1748, he destroyed his village and the English blockhouse, and, with one hundred and nineteen warriors and their families, began his removal to the Ohio River, just below the Wabash, where he died in the fall of the same year.

The hostile Miamis moved over into Ohio. A part of them, under a chief called La Demoiselle, located on the Big Miami, opposite the mouth of Loramie's creek, and the remainder, under Le Baril, located on a small tributary of the Ohio known as Riviere Blanche. The maps of the period would indicate that this was White Oak Creek, in Brown County, Ohio; but M. de Vergennes, Minister of Louis XVI, in his Memoir on Louisiana, mentions but this one stream between the "Scihiato" (Scioto) and Riviere a la Roche (Big Miami), and says: "The Riviere Blanche is on the North, it has also about one hundred leagues course, and takes its rise about twenty-five leagues southeast of Lake Erie." There is no stream that answers this description, but the Little Miami approaches it more nearly than White Oak Creek. These Miamis sent word to the English through the Six Nations that they desired an alliance, and a treaty for this purpose was made at Lancaster, Pennsylvania, in July, 1748, under which the English in the following spring

opened a road from the Miami towns to the site of Pittsburgh. In 1749 M. de Celoron made his expedition through the Ohio country, taking formal repossession of the country, and visiting the various Indian tribes, among others the fugitive Miamis. He urged them to return to "Kiskakon, which is the name of their old village," and they promised to do so, but instead sent information of the matter to the English, and asked for more traders. These were supplied, and also large presents, on account of which the English were allowed, in 1750, to erect a strong trading house and stockade at La Demoiselle's town. This place, which had been commonly called the Tawixtwi town, now became known as Pickawillany, or sometimes Picktown, and the Miamis living there were called Picks or Piets. The trade with the English grew apace. In 1749, Sir William Johnson reported that eleven Miami canoes, with eighty-eight men came to Oswego with furs; and between 1745 and 1753 there were more than fifty Pennsylvanian and Virginian licensed traders engaged in the trade with the Miami towns, among whom were such well known frontier characters as Conrad Weiser, George Croghan, Hugh Crawford, Michael Cresap, Christopher Gist, Jacob Pyatt, and William Campbell. The situation grew worse. In 1751 three French deserters from Fort Miamis were given refuge at Pickawillany, and early in 1752 several French traders were murdered. Then a force of several Frenchmen and a large body of Ottawa and Chippewa Indians was sent against the town, under command of M. St. Orr. This expedition took the town by surprise, and only twenty men were able to get into the fort. After firing at the fort for some hours, the assaulting party offered to withdraw if the white men in the fort were surrendered. There being a shortage of water in the fort, the Englishmen agreed to this, and surrendered. One of them, who was badly wounded, was killed, and the assaulting party withdrew with six English prisoners, and a large amount of goods from the houses outside of the fort. They had killed five Indians, one of whom, a Piankeshaw chief commonly known as Old Britain, on account of his friendship for the British, was boiled and eaten in view of the fort. After this, most of the English traders abandoned the Ohio trade, and most of the Indians were brought into alliance with the French. Little more was heard of Pickawillany until 1769, when Peter Loramie, a French Canadian, established a trading post there, and the place became known as Loramie's Station. Loramie was loyal to the British, and hated the Americans; and during the Revolutionary war, his post became an outfitting place for Indian raids, until it was destroyed by George Rogers Clark, in the fall of 1782.

In 1753, M. Du Quesne established a post at the site of Erie, Pennsylvania, and another on French Creek. Governor Dinwiddie of Virginia

sent his Adjutant General, George Washington, to warn Du Quesne to remove, but he declined. In January, 1754, Dinwiddie ordered Captain William Trent to build a fort at the site of Pittsburg. He reached the place on February 17, and began his work. Early in April he was called away; and on April 17 M. de Contrecoeur appeared before the unfinished fort with more than a thousand men, and eighteen cannon, and demanded its surrender. Ensign Ward, who was in command, had only forty-one men and no cannon. He obtained permission to withdraw with his men, and surrendered the fort. Thus began the French and Indian war, but it had no material effect on the Indiana settlements until its close. After the surrender of Montreal, Major Robert Rogers was sent west to take possession of the French posts. Detroit was delivered to him on November 29, 1760, and soon after officers were sent to take possession of posts Miamis and Ouiatanon; but as Post Vincennes and the Illinois settlements were in the Province of Louisiana, no attempt was made to take possession of them until after the treaty of 1763, by which the French territory east of the Mississippi was ceded to the English. Meanwhile the English made little effort to placate the Indians, and the French traders among them did what they could do prejudice them against the new rulers. Indian plots were made in 1761 and 1762 for the destruction of the British posts, but these were discovered and frustrated. In the spring of 1763 a new conspiracy was formed with Pontiac at its head, and it was so far successful that Sir William Johnson reported that the Indians had "taken and destroyed no less than Eight Forts, murdered great part of the Garrisons, killed great Numbers of his Majestys Subjects on the Frontiers, and destroyed their Settlements, and that in about the Compass of a Month."

Two of the forts thus taken were in Indiana. Although Ensign Holmes, who commanded at Fort Miamis, and Lieutenant Jenkins, who commanded at Post Ouiatanon, had reported efforts to engage the Miamis in hostilities, and although Pontiac had begun the open siege of Detroit on May 9, both officers fell victims to treachery. On May 27, Holmes was decoyed from the fort by his Indian mistress, and shot from ambush; and his garrison surrendered on promise that their lives would be spared. On June 1, Lieutenant Jenkins wrote to Major Gladwin, who was still besieged at Detroit: "I have heard of your Situation which gives me great pain, indeed we are not in much better, for this morning the Indians sent for me to Speak to me, & Immediately bound me when I got to their Cabbin, and I soon found some of my Soldiers in the same Condition, they told me Detroit, Miamis & all these posts were cut of, and that it was a folly to make any resistance."

therefore me to make the few Soldiers I had in the Fort Surrender, otherwise they would put us all to Death in Case one Man was kill'd. They were to have fallen upon us & kill'd us all last Night, but Messrs Maisonville & Lorrain, gave them wampum not to kill us, & & when they told the Interpreter we were all to be kill'd, and he knowing the condition of the Fort beg'd of them to make us prisoners. They have



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put us into the French houses & both Indians and French use us very well. All these Nations say they are very Sorry, but that they were Obligated to do it by the other Nations, the Belt did not Arrive here till last Night about eight o'Clock; Mr. Lorrain can inform you of all, Just now received the News of St. Joseph's being taken, Eleven Men kill'd and three taken prisoners with the Officer; I have nothing more to Say but that I sincerely wish you a Speedy Succour, & that we may be able to revenge ourselves on those that deserve it."

In the consideration of Pontiac's conspiracy, there is usually too much stress put on his ability, and too little on the religious movement that was back of the uprising. Pontiac was a man of great ability, but no one man is ever able to bring about great popular movements unless there is some powerful agency at work on public sentiment. Napoleon Bonaparte could not possibly have accomplished what he did but for the preparation made by the French Revolution. All great Indian uprisings in America have been the results of religious teachings; and it is of interest that this fact was first fully shown by an Indiana ethnologist, James E. Mooney. He was born at Richmond, Indiana, February 10, 1861, his parents, James and Ellen (Devlin) Mooney, being Irish immigrants. He was educated in the public schools, and at eighteen became an apprentice in a newspaper office, where he remained for six years in mechanical and editorial work. From boyhood he had been greatly interested in Indians, and had availed himself of every opportunity to study their history, customs and language. In 1885 he went to Washington where he pursued his studies, and was employed by the Bureau of Ethnology, in which employment he has since remained. In addition to numerous articles on Irish and Indian ethnology, including the ethnological articles in the *New International and Catholic Cyclopedias*, he prepared the Government Indian exhibits for the Chicago, Nashville, Omaha and St. Louis expositions. In the fall of 1890, at his request, he was sent west to investigate the Ghost Dance, which was then beginning to attract attention. He soon discovered that there was more in it than had been suspected, and his study was continued for more than three years, resulting in the exhaustive publication which forms the second volume of the *Report of the Bureau of Ethnology for 1892-3*.

Each of these American uprisings has arisen from some prophet who foretold the coming of a leader who would deliver them from the oppression of the white races. As Mooney puts it: "As with man, so it is with nations. The lost paradise is the world's dreamland of youth. What tribe or people has not had its golden age, before Pandora's box was loosed, when women were nymphs and dryads and men were gods and heroes? And when the race lies crushed and groaning beneath an alien yoke, how natural is the dream of a redeemer, an Arthur, who shall return from exile or awake from some long sleep to drive out the usurper and win back for his people what they have lost? The hope becomes a faith and the faith becomes the creed of priests, prophets, until the hero is a god and the dream a religion, looking to some great miracle of nature for its culmination and accomplishment. The doctrines of the Hindu avatar, the Hebrew Messiah, the Christian Millennium, and the Hesunanin of the Indian Ghost Dance are essentially the same, and



have their origin in a hope and longing common to all humanity." In this case a Delaware prophet had appeared at Tuscarawas, on the Muskingum, who had experienced a wonderful vision, in which he had visited The Master of Life, and received from him a message to the Indians, the essentials of which were that they should abandon those things which they had obtained from the Europeans, reform their lives,



PRAYER STICK

and drive out the British. The Master of Life was a conception they had got from the missionaries. It is foreign to their original mythology, though it easily harmonizes with the conception of Manabozho. He gave the prophet a "prayer stick," or bit of wood with hieroglyphic carving, and this instruction as to the prayer:

"Learn it by heart, and teach it to all the Indians and their children.

It must be repeated morning and evening. Do all that I have told thee, and announce it to all the Indians as coming from the Master of Life. Let them drink but one draught (of whisky) or two at most, in one day. Let them have but one wife, and discontinue running after other people's wives and daughters. Let them not fight one another. Let them not sing the medicine song, for in singing the medicine song they speak to the evil spirit. Drive from your lands those dogs in red elothing; they are only an injury to you. When you want anything, apply to me, as your brothers do, and I will give to both. Do not sell to your brothers that which I have placed on the earth as food. In short become good, and you shall want nothing. When you meet one another, bow and give one another the (left) hand of the heart. Above all, I command thee to, repeat morning and evening the prayer which I have given thee."

The prayer stick shown in the accompanying cut was not one of the Delaware prophet's but a similar one from Kanakuk, a Kickapoo prophet who attained some notoriety about 1827. In 1830, Rev. James Armstrong, a Methodist minister and missionary, while living on Shawnee Prairie, about three miles from Attica, Indiana, was visited by a band of Kickapoo Indians who said that they came from beyond the Mississippi River, where they had heard of him, and had been told that they could get the true Bible from him. Each of them had one of these prayer sticks, which they called their bibles, but said they knew they were not the true ones, although they used them in their devotions. Mr. Armstrong took their prayer sticks, and gave them testaments instead, with which they went on their way rejoicing. Mr. Armstrong's son, R. V. Armstrong, of Mill Creek, Indiana, presented one of these prayer sticks to C. H. Bartlett, of South Bend, who in turn presented it to the National Mueseum, and it is portrayed here. It is a trifle over a foot long and two and one-half inches wide, at the widest point, and three-eighths of an inch thick. It was originally painted red on one side, and green on the other. The engraving is on one side only.

The revelations of this Delaware prophet were the chief feature of the crusade which Pontiac preached, and they appealed strongly to a people who were being told that the French King was selling their lands to the English King. Its effect is shown by the fact that the Shawnees and Delawares of Ohio, who had been very good friends of the English, joined in the conspiracy, and did no little damage on the frontier until Col. Bouquet invaded their country and forced them to sue for peace. In the meantime Sir William Johnson had been impressing on the British authorities the fact that the cheapest way to manage

the Indians was to cultivate their friendship, and Col. Croghan, who was the first English emissary to reach Pontiac, had the long experience in Indian dealings which gave him the same opinion. In consequence, while Major Loftus and Captain Pittman had not been able to get to Fort Chartres from New Orleans, nor Captain Morris by the Maumee, and Lieutenant Fraser, who had reached that point by the Ohio, had thought it wise to escape down the Mississippi in disguise, Colonel Croghan, although captured by a party of hostiles, was able to make terms with the Indians. Of course this was largely due to the fact that Pontiac had become convinced that he could get no help from the French, and was discouraged by the defeat of the Delawares and Shawnees. At Post Ouiatanon he announced to Croghan that the French had deceived him, and that he would fight the English no longer; and the two proceeded to Detroit, where a formal agreement of peace was made. Croghan at once sent word of his success to Fort Pitt; and Captain Sterling, of the Forty-Second Highlanders, the famous "Black Watch," started down the Ohio for Fort Chartres. He arrived there on October 9, 1765, and on the day following took formal possession from St. Ange, who had been commanding there for the past year. With this French rule ended in Indiana, though nobody came to take formal possession of Post Vincennes until Lieutenant Governor Abbott came twelve years later. The command at Vincennes simply passed down from one officer to another, as heretofore stated in the report of Major Vanderburgh, the Commandant receiving instructions from time to time from the British officer in command at Fort Chartres. The government at the Post was practically military, although there was usually a resident Notary, and part of the time a Justice of the Peace. The people also chose a Syndic, who had charge of the common field, and other communal matters.

In fact English rule in the West was chiefly English neglect. When Captain Sterling took command at Fort Chartres, he reissued General Gage's proclamation of some eight months earlier, giving liberty of conscience, and guaranteeing personal and property rights. It also gave the French settlers freedom to emigrate, but required an oath of allegiance to Great Britain if they remained. A proclamation had been issued in 1763 reserving the lands between the Alleghany Mountains and the Mississippi River for the Indians, and prohibiting any purchases of land by the whites from the Indians; and the same proclamation made provision for regulating Indian affairs, including the Indian trade. Having made these provisions, the British authorities were too much engaged with more important matters to give much attention to these small French posts. Early in 1764 Sir William Johnson had sent

Croghan to England to get some action taken, and on March 10 Croghan wrote to him: "tho I have been hear Now a Month Nothing has been Don Respecting North aMerrica Mr. pownal Tould Me yesterday that I wold be Soon Sent for to attend to board of Trade what Meshurs they will Take the Lord knows butt Nothing is Talkt of Except oconomy . . . I am Sick of London & wish To be back in aMerrica & Settled on a Little farm where I May forgett the Mockery of pomp & Greatness." It was the old situation, of the man of action chafing under the delay of the statesman whose strongest quality was procrastination. Meanwhile legal proceedings in the West varied according to the ideas of military commanders. Col. Bouquet court-martialed a couple of spies, and they were sentenced to death; but Gen. Gage refused to confirm the sentence, on the ground that they should have been tried for treason, adding: "But these trials must be in the Country below by the Civil Magistrates, to whom they should be given up. The Military may hang a spy in Time of War, but Rebels in Arms are tried by the Civil Courts. At least I saw this practised in Scotland; both by General Hawley, and the Duke of Cumberland. Mr. Penn should be applied to, for to order the Attorney Genl. to prosecute all those Villains, against whom any proof can be brought. I return you both your Court-Martials which either of your Judge-Advocates may transmit to Mr. Gould, Deputy-Judge Advocate in England, as always practised." On the other hand, Captain Sterling, finding that all of the old judicial officers had left the Illinois country, appointed a habitant named LaGrange judge, and authorized him to "decide all disputes according to the Law and Customs of the Country," with right of appeal to the Commandant by dissatisfied litigants. Lt. Col. Wilkins went farther, and on November 12, 1768, issued commissions to six of the habitants "to form a Civil Court of Judicatory, with powers expressed in their Commissions to Hear and Try in a Summary way all Causes of Debt and Property that should be brought before them and to give their Judgement thereon according to the Laws of England to the Best of their Judgement and understanding." On March 4, 1770, he extended the jurisdiction of the court to assaults, trespasses and other misdemeanors, directing the judges "to impose and bring such Fines and Inflict such Corporate Punishment or commit Offenders to Jayle at the discretion of the said Court." This court appears to have been discontinued in June, 1770, for some cause not now known.

Although Gen. Gage was very scrupulous about the trials of Englishmen, as we have seen, in 1772 he issued peremptory orders to the inhabitants of Post Vincennes to withdraw from the Indian country. In September of that year they forwarded a remonstrance to him, as-

serting their legal title to the lands occupied by them; and in the following spring Gen. Gage replied, requiring them to furnish "convincing proofs" of their statements. This letter is of especial interest, for while the remonstrance of the French settlers has not been found, Gage speaks of it as "insinuating that your settlement is of



FLAG OF SOCIETY OF COLONIAL WARS, FOR INDIANA

(Designed by W. O. Bates. Presents the "Vincennes Arms" surmounting cross of St. George. The arms were "supplied" by a Canadian College of Heraldry. There were none. Bissot de Vincennes is a title of enfeoffment, not nobility.)

seventy years standing," and this is the only approach to any historical evidence that Post Vincennes was established prior to 1730. This is negated however by the proofs furnished; for the only evidence offered as to the founding of the post was the certificate of St. Ange that he commanded there from 1736 to 1764, and that "the said post

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was established a number of years before my command, under that of M. de Vincenne, officer of the troops, whom I succeeded by order of the king." The assertion which has sometimes been made that there was a post or settlement at this point prior to the coming of *Sieur de Vincennes*, has not a shadow of evidence to support it. The settlers furnished very fair evidence of the legality of their titles, but of a total of 88 claimants, only one claimed to have received a grant prior to 1736; and while his deed was lost, and he could not give the date, he stated that the grant was from *Sieur de Vincennes*.

It is probable that Gage had no real understanding of the status of the Vincennes people until he received these proofs. In 1763, M. Aubry, the last acting French Governor of Louisiana had reported: "The Fort of Vincennes is the last Post in the Department of Louisiana, it is situated on the Ouabache 60 Leagues above its entrance into the Ohio, and from the entrance of the Ouabache into the Ohio to the Mississippi is 60 Leagues more. It is a small Piqueted Fort in which may be about Twenty Married Soldiers and some few Inhabitants. The land is very fertile and produces plenty of Corn and Tobacco. It is about 155 Leagues from the Illinois by water, but one may march it in Six days by Land. The Indians that live near this place are called *Peanguichia*, they are about 6 warriors—Tho' we may not have men enough to occupy this Post at present, it is very interesting to us to do it, as the Passage to Canada lies up the Ouabache. It is 60 Leagues from Vincennes to *Ouiatanons*, and 60 more up the River Ouabache to *Miamis*, and from thence a Carrying place of Six Leagues to the River of *Miamis*, and 8 leagues more down that River to Lake Erie. This was my Rout in 1759, when I went from Illinois to Venango with more than 400 men, and a hundred thousand weight of Flour." In 1766 Lieutenant Fraser had reported that all of the Western forts "excepting fort Charters are intirely in ruins, some of them that you can scarce see any appearance of." Gage presumably supposed that the place had been taken possession of by a lot of French *coureurs*, who were trespassers in the Indian country. It is true that he had a census of the place taken in 1767, giving the following details: "Inhabitants, Men, Women & Children, 232; Strangers, 168; Negro Slaves, 10; Savage Slaves, 17; Oxen, 352; Cows, 588; Horses, 260; Hogs, 295; Mills, 3; Bushels Corn to be reaped, 5450; Bushels Indian Corn to be reaped, 5420; Tobacco growing nt. Pounds, 36,360."<sup>23</sup>

It will be noted, however, that this gives no indication of any military or other governmental establishment.

<sup>23</sup> Ill. Hist. Coll., Vol. 11, p. 469.

The only religious establishment in Indiana during the French and British dominions was the Roman Catholic, and it was not extensive. The only church within the borders of the State was at Vincennes, and its parish records extend back only to 1749, when the first entries were made by Father Meurin. Before that time very little is definitely known about the church at Vincennes, although Vincennes historians have made some very definite statements concerning it. For example, Mr. Cauthorn asserts, without qualification and without any citation of authority, that the "pastors" at Vincennes, prior to Meurin, in order of succession, were "John Mermet, Antoninus Senat and Mercurin Conic." He refers in a general way to Thwaite's edition of the *Jesuit Relations*, but apparently overlooks the fact that in the last volume of this work there is a brief biographical notice of all the priests known to have served in this region. Father Jean Mermet died in Illinois September 15, 1716, and could not possibly have served at Vincennes, because there was neither post, white settlement nor Indian village at that point during his life. Father Antoine Senat did not come to America until 1734, is known only as a missionary to the Illinois Indians, and was killed by the Chickasaws in the spring of 1736, as heretofore stated. "Mercurin Conic" is beyond me. I cannot imagine where Mr. Cauthorn found him, unless perhaps it was somewhere in the Conic Sections. It is impossible that there should have been a church establishment at Vincennes from 1702 to 1749, as asserted by Mr. Cauthorne, and no mention of it in the voluminous correspondence of the period, and in fact the assertion is completely disproven by that correspondence. The whole object of the movement that arose after 1720, and that led to the establishment of Post Vincennes, was to get a post, a mission and an Indian settlement on that portion of the Ouabache that was within the jurisdiction of Louisiana. Father D'Outreleau was sent over from France, in 1726, for the express purpose of being "missionary to the Ouabache" in the projected establishment. He is named in the official church list of 1728 as "at the Ouabache," but this was by title only, for the projected establishment had not yet been made, and in reality Father D'Outreleau was then over in the Illinois country, trying to fit himself for his contemplated work. He never entered on that work on account of his inability to acquire the Indian languages. He returned to New Orleans in 1730, where he later became Chaplain of the Hospital.

Naturally, there were priests that visited Vincennes before any church was established at that place. The earliest of these of whom John Gilmary Shea, the distinguished Catholic historian, could find any record, was the Recollect priest Father Pacome Legrand, who died on his

way to Niagara, October 6, 1742, "after a term of service at Vincennes." Shea thinks it probable that it was this priest who, on July 22, 1741, baptized at Post Ouiatanon, Anthony, son of Jean Baptiste Foucher, who became the first priest ordained from the West, and who died at Lachenaie, Canada, where he was then priest, in 1812. Be that as it may, the fact that Indiana had begun contributing to the clergy in 1741 indicates that the intellectual forces of the climate began to operate at once. That Vincennes was subordinate to the Illinois missions is shown by the following extract from the defense of the Jesuits above quoted: "At eighty leagues from the Illinois was the post called Vincennes or St. Ange from the names of the officers who commanded there. This post is upon the river Wabash which, about seventy leagues lower down, together with the Ohio which it has joined, discharges its waters into the Mississippi. There were in this village at least sixty houses of French people without counting the Miami savages who were quite near. There, too, was sufficient cause for care and occupation—which the Jesuits did not refuse—a conclusion which must be reached if one considers that this post was every day increasing in population; that the greater part of its new inhabitants, having long been voyageurs, were little accustomed to the duties of Christians; and that, to establish among them some manner of living, many instructions and exhortations, private and public, were necessary. Now the proof that the Jesuits acquitted themselves of their duty in this respect is proved by the complaints that the parishoners made against them; for these people claimed that their pastors went beyond their duty, and assumed too much care." The Jesuits who served at Vincennes after Father Meurin were Father Peter du Jaunay in 1752, Father Louis Vivier in 1753, and Father Julian Devernai in 1756. After the suppression of the Jesuits in France, on June 9, 1763, the Superior Council of Louisiana issued a decree suppressing the Jesuits of the Province, forbidding their performance of religious functions, ordering all their property except the personal clothing and books of the priests to be seized and sold at auction, and the priests themselves to be expelled from the Province. This was a high-handed proceeding as to the country north of the Ohio, which had been ceded to Great Britain by the Treaty of Paris on February 10, 1763, but the British had not taken possession, and the order was enforced to the letter. Father Devernai was dispossessed at Vincennes and shipped down the river with the Illinois Jesuits. All of the mission property was sold at auction. Father Duverger, a priest of the Foreign Missions, seeing this movement, sold all of the property of the Seminary at Cahokia, and went down the river with the Jesuits. The only priests left in the upper country were two Franciscans at Fort Chartres, the brothers Hippolyte and Luke Collet; and of these the former withdrew in 1764, and the latter died September



10, 1765. The region would have been left entirely without clergy had not Father Meurin insisted on returning, and this the Louisiana authorities permitted on his signing an obligation to hold no communication with Quebec or Rome, and to recognize no superior but the Superior of the Capuchins at New Orleans. Until 1768, this lone priest looked after the spiritual interests of the upper country, appealing for aid to New Orleans, to Quebec, to Paris, and to Philadelphia, but in vain. It was not even possible for him to visit all of the settlements. In 1767 he wrote to Bishop Briand, of Quebec: "The post of Vincennes on the Wabash among the Miami-Pinghichias, is as large as our best villages here, and needs a missionary even more. Disorders have always prevailed there; but have increased in the last three years. Some come here to be married or to perform their Easter duty. The majority cannot or will not. The guardian of the church publishes the banns for three Sundays. He gives certificates to those who are willing to come here, whom I publish myself before marrying them. Those who are unwilling to come here declare their mutual consent aloud in the church. Can such a marriage be allowed?" His misgivings were entirely ecclesiastical, for the guardian of the church was Etienne Phillibert, commonly known by his nick-name, "Orleans," who was the village notary, and was authorized to keep the church record in the absence of the priest, and to administer lay baptism to infants. There can be no serious question as to the legality of civil marriages where he officiated. In June, 1767, Bishop Briand appointed Father Meurin his Vicar-General for all the Illinois country, which was followed by his commission and a pastoral letter in August. When Rocheblave, Commandant at New Orleans, heard of this he forbade Meurin to exercise any functions west of the Mississippi, and ordered his arrest for recognizing a foreign authority in Spanish territory.

In 1768 Father Pierre Gibault was sent to the aid of this lone Jesuit who was upholding the cross in the upper Mississippi Valley. He was of an old Canadian family, his greatgrandfather, "Gabriel Gibaut, dit Poitevin," a native of Poitiers, France, having been married at Quebec, October 30, 1667. His grandfather and his father both bore the name Pierre Gibaut<sup>24</sup> and were natives of Canada. His parents were married November 14, 1735, at Sorel, and he, the eldest son, was christened April 7, 1737, at Montreal. His mother's maiden name was Marie-Joseph St. Jean. After some primary schooling and travel in western Canada, he was educated in theology at the Seminary of Quebec, the expense being

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<sup>24</sup> The Abbé Tanguay uses this spelling for the family name, and treats Gibault, Gibeau, etc., as variations.

paid out of a remnant of the Cahokia Mission property, which had been invested as a "rente," or mortgage annuity of 333 livres a year, on the Hotel de Ville. He was ordained at Quebec on the feast of St. Joseph, March 19, 1768; celebrated mass the next day in the Ursuline church; and after brief service in the Cathedral, set out for the Illinois country. Delayed by bad weather, he reached Michilimackinac in July, and passed a week there, confessing voyageurs, baptizing children, and blessing one marriage. It was intended that he should locate at Cahokia, but the people there wanted Father Meurin, and those at Kaskaskia wanted the young priest, so Father Meurin took charge of Cahokia and Prairie du Rocher, and Father Gibault settled at Kaskaskia. As there were no priests in the Missouri settlements, from which Father Meurin had been debarred, Gibault also attended to them, and in 1769 blessed the little chapel which the settlers had built at St. Louis. Soon after arriving at Kaskaskia he had an attack of ague which persisted for months, but he kept on with his work, and succeeded in getting the people to attend to their church duties, and pay their tithes, which, by the Canadian custom, were one-twenty-sixth of their produce. He did not reach Vincennes until the winter of 1769-70, and then through peril, for hostile Indians were attacking the settlements, and had killed twenty-two of the settlers since his arrival in the country. Shea says that "the frontier priests always, in these days of peril, carried a gun and two pistols." He reached Vincennes in safety, and in a letter to Bishop Briand, after deploring the vices and disorders that prevailed there, he said: "However, on my arrival, all crowded down to the banks of the River Wabash to receive me; some fell on their knees, unable to speak; others could speak only in sobs; some cried out: 'Father, save us, we are almost in hell'; others said: 'God has not then yet abandoned us, for He has sent you to us to make us do penance for our sins.' 'Oh sir, why did you not come sooner, my poor wife, my dear father, my dear mother, my poor child, would not have died without the sacraments.'"<sup>25</sup> He remained at Vincennes for two months, reviving the faith of the Catholics, and also brought into the church a Presbyterian family which had settled there. The people gave proof of their zeal by erecting a frame chapel, which was occupied for fifteen years; and when he left, a guard of twenty men accompanied him across the Illinois prairies. The church building known to the early American settlers as the old St. Francis Xavier cathedral was not erected until 1786. Father Gibault did not take up permanent residence at Vincennes until 1785, and on June 6, 1786, he wrote to Bishop Briand: "I should not have succeeded in building a church at this post, had

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<sup>25</sup> Life and Times of Archbishop Carroll, p. 128.

not the people at Cahokia sent a messenger in the name of the whole parish, to beg me to take charge of them, offering me very advantageous terms. The people at Post Vincennes having good grounds to fear that I might leave them, unanimously resolved to build a church, ninety feet long by forty-two broad, on a foundation and of boards. Part of the wood is already got out, and several fathoms of stone for the foundation. The upright posts will be only seventeen feet high, but the winds are so violent in these parts, that even this is rather high for strength. The house which is now used as a church will serve as a priest's house, and I think I can occupy it a few months hence. The lot is a large, dry one



ST. FRANCIS XAVIER CHURCH  
Erected 1786.

in the middle of the village, which I myself, with the marguilliers, obtained sixteen years ago. I beg you to approve this erection of a new church under the title of St. Francis Xavier on the Wabash, and to enjoin me to proceed to complete it, and also to adorn it as well as the poverty of the people will permit."

Father Gibault ministered to the Missouri churches until 1772, when priests were sent from New Orleans to take charge of them. In 1774 there came a cruel blow in the news of the suppression of the Jesuit order by Pope Clement XIV. In the whole Mississippi Valley, faithful Father Meurin was the only one affected by the Brief of Suppression, and he, knowing no divorce from duty, wrote to Bishop Briand: "Free, I would beseech and beg your charitable goodness to be a father to me,

and admit absolutely among the number of your clergy, instead of an auxiliary as I have been since February 1, 1742. I should deem myself happy, if, in the little of life left me, I could repair the cowardice and negligence of which I have been guilty in the space of thirty-three years. If you will adopt me, I am sure you will pardon me and ask mercy for me." In March, 1775, Father Gibault visited Vincennes, and then went on to Canada. Returning, he was unable to reach the Illinois, and passed the winter at Detroit. He did not reach Vincennes again until the summer of 1777, Phillibert officiating in lay capacity in the meantime. And so closed the church history of Indiana in the British period.

## CHAPTER IV

### THE AMERICAN OCCUPATION

"John, Earl of Dunmore, Viscount Fincastle, Baron Murray of Blair, of Monlin and of Tillimet, Lieutenant and Governour General of his Majesty's Colony and Dominion of Virginia, and Vice Admiral of the same," was decidedly unpopular with our Revolutionary forefathers on account of his devotion to the Royalist cause; but he was a keen observer of men, and not altogether a bad sort in his way. He had come over as Governor of New York in 1770, and was transferred two years later to Virginia, where he was soon in trouble with the house of burgesses, which he dissolved twice on account of its revolutionary sentiments. His one popular act was his war on the Ohio Indians, who had been committing depredations on the frontier. Fort Pitt had been abandoned and ordered demolished, but in 1774, Dr. John Connolly, a major of militia, under Dunmore's orders, occupied it and put it in shape for defense. From this point the expedition against the Shawnees and Mingos proceeded; Dunmore, who was a stocky, stout-built Scotchman, marching on foot with them, and carrying his own knapsack. The Indians were worsted at Point Pleasant, and sued for peace. They gave hostages, who were left at Fort Pitt (now called Fort Dunmore) under charge of Connolly. The Pennsylvania authorities were indignant at this invasion of territory claimed by the Quaker Colony, but Virginia insisted that Pennsylvania had no rights west of the mountains, and trouble would have ensued but for the coming on of the Revolutionary war. Early in 1775, Dunmore removed some powder, property of Virginia, to a British ship of war, whereupon he was attacked and forced to take refuge on the ship. Connolly, under his instructions, disbanded his militia, and abandoned Fort Pitt; after which he busied himself getting up a plan for the invasion of Virginia from the west. Connolly made his way through Virginia to Dunmore's ship with some difficulty, being arrested several times by safety committees. With Dunmore's approval, he went to New York and laid his plan before General Gage, who also approved it. Connolly then tried to make his way back through Maryland, but was arrested near Hagerstown, with his commission as Lieutenant Colonel Com-

mandant and a copy of his proposals on him. His next five years were passed in prison.

The proposals, after reciting that he had "prepared the Ohio Indians to act in concert with me against his Majesty's Enemies," and had promise of support from western Tories, to whom he had promised three hundred acres of land each, continues: "I will undertake to penetrate through Virginia, and Join his Excellency Lord Dunmore at Alexandria, early next spring on the following conditions & authority. 1st. That your Excellency will give me a commission to act as Major Commandant of such Troops as I may raise and embody on the Frontier, with a power to command to the Westward, & employ such serviceable French and English partisans as I can engage by pecuniary rewards or otherwise. 2dly. That your Excellency will give orders to Capt. Lord, at the Illinois, to remove himself with the Garrison under his Command from Fort Gage to Detroit, by the Ouabashe, bringing with him all the Artillery, Stores, &ca., &ca., to facilitate which undertaking he is to have Authority to Hire Boats, Horses, Frenchmen, Indians, &ca., &ca., to proceed with all possible expedition on that Rout as the weather may occasionally permit, and to put himself under my command on his arrival at Detroit. Thirdly. That the Commissary at Detroit shall be empowered to furnish such provisions as I may Judge necessary for the good of the Service, and that the Commanding Officer shall be instructed to give every possible assistance in encouraging the French and Indians of that Settlement to Join me. 4thly. That an officer of Artillery be immediately sent with me to pursue such Rout as I may find most expedient to gain Detroit, with orders to have such pieces of Ordnance as may be thought requisite for the demolishing of Fort Dunmore & Fort Fincastle, if resistance should be made by the Rebels in possession of those Garrisons. 5thly. That your Excellency will empower me to make such reasonable presents to the Indian Chiefs and others, as may urge them to act with Vigor in the execution of my orders. 6thly. That your Excellency will send to Lord Dunmore such arms as may be spared in order to equip such persons as may be willing to serve his Majesty at our Junction, in the vicinity of Alexandria."

The acts of Connolly at Fort Pitt and the complaints of the Pennsylvania people had called forth a sharp letter from Lord Dartmouth to Gov. Dunmore, in which especial condemnation was made of allowing settlers on the Indian lands. Dunmore defended himself at length, and as to the encroachments on Indian lands he said: "I have had, My Lord, frequent opportunities to reflect upon the emigrating Spirit of the Americans, Since my Arrival to this Government. There are considerable bodies of Inhabitants Settled at greater or less distances from

the regular frontiers of, I believe, all the Colonies. In this Colony Proclamations have been published from time to time to restrain them: But impressed from their earliest infancy with Sentiments and habits, very different from those acquired by persons of a Similar condition in England, they do not conceive that Government has any right to forbid their taking possession of a vast tract of Country, either uninhabited, or which Serves only as a Shelter to a few Scattered Tribes of Indians. Nor can they be easily brought to entertain any belief of the permanent obligation of Treaties made with those People, whom they consider as but little removed from the brute Creation. These notions, My Lord, I beg it may be understood, I by no means pretend to Justify. I only think it my duty to State matters as they really are."

There is little room to doubt that this was common frontier sentiment. There is a naive contemporary statement of it in some verses preserved in the Journal of James Newell, who served as an ensign in "Dunmore's War" as follows:

"Great Dunmore our General valiant & Bold  
Exceeds the great Heroes—the Heroes of old;  
When he doth command we will always obey,  
When he bids us to fight we will not run away.

a. Come Gentlemen all, come strive to excel,  
Strive not to shoot often, but strive to shoot well.  
Each man like a Hero can make the woods ring,  
And extend the Dominion of George our Great King.

The land it is good, it is just to our mind,  
Each will have his part, if his Lordship be kind.  
The Ohio once ours, we'll live at our ease,  
With a Bottle & glass to drink when we please."

It was natural enough that there should be such sentiments among the Americans, for the wars with the French had been fought on the theory that the lands northwest of the Ohio belonged to the Iroquois by conquest, and they had deeded them to the King of England. If this made a good title against the French, it was equally good against the Indians who had moved into the region. Moreover all the colonies claimed that their charter boundaries extended at least as far west as the Mississippi River and one of the chief sources of trouble between the colonies was the question of title to western lands. At this very time Pennsylvania was having as much difficulty in resisting the encroachments of Connecticut on the north as of Virginia on the south. Virginia was active in warding off the danger in the west. In June, 1775, she appointed six commissioners to act with others in making a treaty at

Pittsburg with the Ohio Indians. One of these commissioners, Capt. James Wood, went personally to the Indians and invited them to meet in September at Pittsburg, where, after three weeks' negotiations a treaty was made with representatives of the Ottawas, Wyandots, Mingos, Shawnees, Delawares and Senecas. In the spring of 1776, Congress made Col. George Morgan, an experienced frontiersman, Indian agent for the Middle Department, at Pittsburg, and under his wise management Indian troubles were avoided until after the murder of Cornstalk in the fall of 1777. This allowed time for preparation for defense which ultimately saved the western settlements from destruction.

The British were not idle. In the spring of 1775 Henry Hamilton was appointed Lieutenant Governor at Detroit, and arrived there on November 9. He was of Irish birth, and had been in the army since 1754, serving in France, Canada and the West Indies. He was quickly in touch with the situation, and on November 30 wrote to Gen. Carleton informing him about the treaty at Pittsburg, the details of which he had learned from "Mahingan John," a Delaware who had taken part in it, and had been entrusted with belts for the western Indians. Hamilton saw that Mahingan John was "made acquainted with some of the particulars which are sufficient to undeceive the Delawares and Shawanese," and predicted that they could have no lasting peace with the Virginians, who were "haughty, Violent and Bloody." He thought that if the war did not appear hopeful for the Colonies "we may reasonably expect, from all I can learn of the disposition of the savages, the frontier of Virginia in particular will suffer very severely." From this time on the two hostile camps faced each other across the lands northwest of the Ohio. The British were established at Niagara, Detroit and the Illinois settlements. The Americans held the headwaters of the Ohio, and reached in constantly growing strength through Kentucky. Both considered all the possibilities of attack and defense. In 1775 Arthur St. Clair projected an expedition against Detroit from Pittsburg, and partly prepared for it, but the Senecas were determined to remain neutral, and objected to passage through their country; and so the expedition was abandoned. The Senecas were equally firm with the British, and prevented the attack of Fort Pitt from Niagara. In 1777 Gen. Edward Hand was made Commander in Chief in the West, with headquarters at Pittsburg. He was an Irish doctor, who came to America in 1767 as Surgeon's Mate of the 18th Royal Irish Regiment, which was stationed at Fort Pitt. Hand was popular there with all classes, and when the regiment was ordered East, he resigned and located at Lancaster, Penn., where, in 1775, he married Catherine Ewing. At the outbreak of the war he volunteered, and served with Washington at Boston, on Long



Island, and in the Jersey campaign. He attempted an expedition against Sandusky in the fall of 1777, but succeeded only in raiding two Indian towns on Beaver Creek, occupied chiefly by squaws; from which the expedition became known as "the Squaw Campaign." He prepared for another early in 1778, but his plans were frustrated by Alexander McKee, former Indian Agent, who decamped to the British with information of Hand's intentions.



GEN. GEORGE ROGERS CLARK

(From a portrait painted by Matthew Harris Jouett, owned by R. T. Durrett of Louisville)

Such was the situation when George Rogers Clark came to the front. Born in Albemarle County, Virginia, about a mile and a half north of Monticello, the home of Jefferson, November 19, 1752, Clark had the meager educational advantages of a Virginia country lad in a large family. He is said to have had nine months' schooling under Donald

Robertson, and his maternal grandfather, John Rogers, was a surveyor, for which occupation Clark had fitted himself when nineteen years old. In 1772 he made his first trip to Kentucky with Rev. David Jones and others, going down the Ohio in canoes. They returned with glowing descriptions of the country, and in the Fall Clark located on the south side of the Ohio near the mouth of Fish Creek, about 130 miles below Pittsburg, from where he wrote to his brother, in January, 1773, that he was prospering agriculturally, and "I get a good deal of cash by surveying on this River." He was with Capt. Cresaps' expedition, and his testimony cleared that officer of the charge of murdering Logan's family. He served in Dunmore's war as a captain.<sup>1</sup> In April, 1775, he wrote to his brother: "I have ingaged as a Deputy Surveyor under Capn Hancock Lee for to lay out lands on ye Kentuck for ye Ohio Company at ye rate of 80 L pr year and ye privilege of Taking what Lands I want." His occupation gave him a wide acquaintance; and in June, 1776, he and Capt. John Gabriel Jones were elected delegates to seek aid and protection from Virginia. They found the legislature adjourned; and Jones returned to join in an attack on the Cherokees, while Clark went on to see Gov. Henry. He induced the Governor and Executive Council to give him five hundred pounds of powder for the Kentuckians, and to make a separate county of Kentucky, which was done in December. Clark now entered actively into the military preparations of Kentucky, and on April 20, 1777, sent two young Virginians, Benjamin Linn and Samuel Moore to the Illinois settlements to ascertain the exact condition of affairs there. They returned on June 22, and on July 9 Clark entered in his diary, "Lieut Linn married great Merriment." This was Lieutenant William Linn, who had also just finished a perilous service. The greatest need of the frontier was for powder, and Capt. George Gibson of the Virginia troops, formed the project of getting it from New Orleans, where the Spanish authorities were friendly. On July 19, 1776, he and Lieutenant Linn started down the river from Pittsburg in a skiff, under the guise of Indian traders. They reached New Orleans in August, and by the aid of Oliver Pollock, they secured 98 barrels of powder—nearly 10,000 pounds—with which they started up the river on September 22, with 43 men and several barges. They reached Wheeling with it on May 2, 1777. With his information from his emissaries to the Illinois,

<sup>1</sup> Dunmore's War, p. 157. An immense amount of information as to this period has been furnished by the publication of original matter, collected by Dr. Draper, by the Wisconsin Historical Society, edited by Thwaites and Kellogg; and also by the publications of the Illinois Historical Library edited by Profs. Alvord and James. These are the principal sources of the new matter in this chapter, to which no special reference is made for authority.

and such other information as he could secure, Clark started for Virginia in October, and on December 10 laid his plan before Gov. Henry, as embodied in the following statement:<sup>2</sup>

"Sir—According to promise I hasten to give you a description of the town of Kuskuskies, and my plan for taking of it. It is situated 30 leagues above the mouth of the Ohio, on a river of its own name, five miles from its mouth and two miles east of the Mississippi. On the west side of the Mississippi 3 miles from Kuskuskies is the village of Mozier (Misere—Ste. Genevieve) belonging to the Spaniards. The town of Kuskuskies contains about one hundred families of French and English and carry on an extensive trade with the Indians; and they have a considerable number of negroes that bear arms and are chiefly employed in managing their farms that lay around the town, and send a considerable quantity of flour and other commodities to New Orleans (which they barter every year and get the return in goods up the Mississippi). The houses are framed and very good, with a small but elegant stone fort situated (but a little distance from) the centre of the town. The Mississippi is undermining a part of Fort Chartress; the garrison was removed to this place, which greatly added to its wealth; but on the commencement of the present war, the troops (were) called off to reinforce Detroit, which is about three hundred miles from it—leaving the fort and all its stores in care of one Roseblack<sup>3</sup> as comdt of the place, with instructions to influence as many Indians as possible to invade the Colonies; and to supply Detroit with provisions, a considerable quantity of which goes by the way of the Waubash R., and have but a short land carriage to the waters of ye (Miami).

"In June last I sent two young men there: They (Rocheblave and the French) seemed to be under no apprehension of danger from the (Americans) The fort, which stands a small distance below the town is built of stockading about ten feet high, with blockhouses at each corner, with several pieces of cannon mounted—(10,000 lbs) powder, ball and all other necessary stores without (any) guard or a single soldier. Roseblack who acted as Governor, by large presents engaged the Waubash Indians to invade the frontiers of Kentucky; and was daily treating with other Nations, giving large presents and offering them great rewards for scalps. The principal inhabitants are entirely against the American

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<sup>2</sup> In a note preceding this document, Dr. Draper says: "Copy of an old and much decayed letter of Genl. G. R. Clark, written plainly in the summer or fall of 1777, and very likely addressed to Gov. Patrick Henry. It is transcribed as full as could be done—as the original has been wet, and is much worn and faded." The matter in parenthesis was supplied by Draper.

<sup>3</sup> He means Rocheblave.

cause, and look on us as notorious rebels that ought to be subdued at any rate; but I dont doubt but after being acquainted with the cause they would become good friends to it. The remote situation of this town on the back of several of the Western Nations; their being well supplied with goods on the Mississippi, enables them (to carry) to furnish the different Nations (with goods), and by presents will keep up a strict friendship with the Indians; and undoubtedly will keep all the Nations that lay under their influence at war with us during the present contest, without they are induced to submission; (that being situated above the mouth of the Ohio) they will be able to interrupt any communication that we should want to hold up and down the Mississippi, without a strong guard; having plenty of swivels they might, and I dont doubt but would keep armed boats for the purpose of taking our property. On the contrary, if it was in our possession it would distress the garrison at Detroit for provisions, it would fling the command of the two great rivers into our hands, which would enable us to get supplies of goods from the Spaniards, and to carry on a trade with the Indians (line obliterated) them might perhaps with such small presents keep them our friends.

"I have always thought the town of Kuskuskies to be a place worthy of our attention, and have been at some pains to make myself acquainted with its force, situation and strength. I cant suppose that they could at any (time) raise more than six (or seven) hundred armed men, the chief of them (are French the British at Detroit being at so great a) distance, so that they (blank in mss.) more than (blank in mss.).

"An expedition against (Kaskaskia would be advantageous) seeing one would be attended with so little expence. The men might be easily raised (blank in mss.) with little inconvenience Boats and canoes with about forty days provisions would (answer) them: they might in a few days run down the river with certainty (to the) Waubash, when they would only have about five to march to the town with very little danger of being discovered\*until almost within sight, where they might go in the night; if they got wind (of us they might) make no resistance: if (they did) and were able to beat us in the field, they could by no means defend themselves for if they flew to the fort, they would lose possession of the town, where their provisions lay, and would sooner surrender than to try to beat us out of it with the caannon from the post, as (they) would be sensible that should (we fire) it before we left it, which would reduce them to the certainty of leaving the country or starving with their families, as they could get nothing to eat.

"Was I to undertake an expedition of this sort, and had authority from Government to raise my own men, and fit myself out without

(much delay) I should make no doubt of being in (full possession of the country) by April next.

"I am sensible that the case stands thus--that (we must) either take the town of Kuskuskies, or in less than a twelve month send an army against the Indians on Wabash, which will cost ten times as much, and not be of half the service."

Governor Henry submitted this proposal to the Executive Council, and after due consideration, on January 2, 1778, the following entry was made: "The Governor informed the Council that he had had some conversation with several Gentlemen who were well acquainted with the Western Frontiers of Virginia, & the situation of the post at Kaskasky held by the British King's Forces, where there are many pieces of cannon, & military supplies to a considerable amount; & that he was informed the place was at present held by a very weak garrison, which induced him to believe that an expedition against it might be carried on with success, but that he wished the advice of the Council on the occasion.

"Whereupon they advised his Excellency to set on foot the expedition against Kaskasky with as little delay & as much secrecy as possible, & for the purpose to issue his warrant upon the Treasurer for twelve hundred pounds payable to Col. George Rogers Clark, who is willing to undertake the service, he giving bond & security faithfully to account for the same. And the Council further advised the Governor to draw up proper instructions for Colonel Clark. His Excellency having prepared the instructions accordingly, the same were read, (and) approved of."

Apparently all was ready for action, for on the same day Clark received his instructions, and appointed Wm. B. Smith major, with authority to raise 200 men. To insure secrecy he was given two sets of instructions. One for public use directed him to raise 350 men for service in Kentucky. The other, and secret, instructions directed him to proceed with this same force against Kaskaskia. It enjoined humane treatment of the people, and said: "If the white inhabitants at that post & the neighbourhood will give undoubted evidence of their attachment to this State (for it is certain they live within its limits) by taking the Test prescribed by Law & by every other way & means in their power, Let them be treated as fellow Citizens & their persons & property duly secured. Assistance & protection against all Enemies whatever shall be afforded them & the Commonwealth of Virginia is pledged to accomplish it." This last document later came into the possession of Major Henry Hurst, first clerk of the Federal Court of Indiana, and was given by his daughter, Mrs. Mary Leviston, to Dr. N. Field of Jeffersonville. It was lithographed and widely circulated by the Indiana Historical Society.

Governor Henry also gave Clark a letter to Gen. Hand at Fort Pitt, requesting him to furnish Clark with boats for the expedition, and to render any other assistance in his power. On January 3, he also received a joint letter from George Wythe, George Mason and Thomas Jefferson, giving their opinion that each private in the expedition should receive three hundred acres of land, and the officers in proportion. This letter came into the possession of Hon. Wm. H. English, and was first published



JOHN SANDERS, CLARK'S GUIDE

(From crayon owned by Col. R. T. Durrett of Louisville)

by him in his valuable "Conquest of the Northwest," which was at the time of its publication the most exhaustive account of Clark's campaign that had been produced. Mr. English was at the time President of the Indiana Historical Society, and held that position until his death.

Armed with these documents Clark started for Fort Pitt, attending to details on the way. On the 20th he reached Leonard Helm's and

arranged for him to raise a company; on the 23d with Joseph Bowman for another; and so on with John Lindsey, Joseph Wilkerson, W. Harrod, Benj. Linn, J. Bayley, John Maxfield, A. Chaplin and W. Hughton. He reached Fort Pitt on February 10, where he was followed by a letter from Governor Henry, of Jan. 15, adding to previous instructions, "that your Operations should not be confin'd to the Fort — the Settlement at the place mention'd in your secret Instructions, but that you proceed to the Enemy's Settlements above or across, as you may find it proper." Although Clark's public instructions expressly state: "You are empowered to raise these Men in any County in the Commonwealth and the County Lieutenants respectively are requested to give you all possible assistance in that Business," on January 24, Governor Henry wrote a sharp letter to Clark complaining of his raising men in western Virginia, and saying: "You must certainly remember that you inform'd Me, that you expected to get Men enough to compleat the seven Companies partly in Kentuck & Partly within the Carolina Line, and that if you shou'd fail in your Expectation, any Deficiency cou'd easily be made up in the frontier Counties in the neighbourhood of Fort Pitt; the South Branch & the Frontiers: I must therefore desire you to pursue your first Intentions, for by inlisting any men in the lower Counties, You will not only procure improper Persons, but you may also throw those Counties into great Confusion respecting the Act of Assembly passed this session for recruiting the Continental Army. The men you enlist will not be exempted from the Draught." The same information was apparently given to the draft officers, and between this obstruction, the news of the capture of Daniel Boone, and apprehensions of trouble at home, Clark failed to get more than half of his seven companies. In May he started down the river with the men raised by himself, Bowman and Helm, and near the last of that month—probably on the 27th—reached the falls of the Ohio. He landed on Corn Island, then about seventy acres in extent, and built a block-house for the protection of his supplies.

On June 24, leaving twenty men at Corn Island, part of them with families that had followed him down the river, Clark left the Falls with his "army" of 153 men, going through the Indiana chute during an eclipse of the sun, and by steady rowing reached the mouth of the Tennessee on the 28th. Here they captured a party of hunters from Kaskaskia, who proved to be friendly, and asked to join the expedition. John Sanders, of this party, acted as guide from old Fort Massac, where they landed, to Kaskaskia. He got lost on the way, and was suspected of treachery, but he proved his good intentions, and led them safely to their goal. He subsequently located at the new settlement at Louisville, where he opened the first bank of that place, doing business with an

original paper currency based on skins. On the evening of July 4, Clark took the town and fort of Kaskaskia by surprise, without any fighting, capturing the Commandant, Rocheblave, in bed. The people had been told by British agents that the Virginians were of savage cruelty, and Clark purposely increased their fear by his haughty bearing until, on the next day, Father Gibault and a number of the leading citizens came to him and humbly asked that their families should not be parted, and that they be allowed to keep some of their clothing and provisions. Clark then informed them that he was not making war on women and children. Just before leaving the Falls he had received a letter from Col. John Campbell, at Pittsburg, informing him of the treaty between France and the United States. He told them of this, and that they might become citizens of Virginia if they desired, but that he would not administer the oath of allegiance for a few days, and in the meantime any of them who desired to leave the country might do so. Father Gibault inquired as to religious privileges, and Clark informed him that under the laws of Virginia there was complete religious liberty, and that he had nothing to do with churches except to protect them from insult. With this the dejection of the French was turned to joy; and a number of them volunteered to go to Cahokia with a detachment sent there under Major Bowman. This was accepted and on the day following Cahokia became as thoroughly American as Kaskaskia. Having now a breathing spell, in order "to cause the peoples to feel the blessings enjoyed by an American Citizen," Clark says: "I caused a Court of civil Judicature to be Established at Kohas (Cahokia) Elected by the people. Major Bowman to the surprise of the people held a pole for a Majesty and was Elected and acted as Judge of the Court—the policy of Mr. Bowman holding a pole is easily perceived—after this similar Courts were established in the Towns of Kaskas and St Vincennes ther was an appeal to myself in certain Cases and I believe that no people ever had their business done more to their satisfaction than they had through the means of this Regulation for a considerable time."

Clark now turned his attention to Vincennes, and called Father Gibault into conference, professedly for information. Gibault told him that Superintendent Abbott had gone to Detroit, and that he thought he could induce the people there to accept American rule without any difficulty. He offered to undertake this and asked that Dr. Jean Baptiste Lafonte be sent with him. To this Clark acceded, and on July 14 they started for Vincennes. Clark had given to Lafonte the following letter:



"Fort Clark, July 14, 1778.

"Sir.

"Having the good fortune to find two men like Mr. Gibault and yourself to carry and to present my address to the inhabitants of Post Vincennes I do not doubt that they will become good citizens and friends of the states. Please disabuse them as much as it is possible to do, and in case they accept the propositions made to them, you will assure them that proper attention will be paid to rendering their commerce beneficial and advantageous, but in case those people will not accede to offers so reasonable as those which I make them, they may expect to feel the miseries of a war under the direction of the humanity which has so far distinguished the Americans. If they become citizens you will cause them to elect a commander from among themselves, raise a company, take possession of the fort and the munitions of the King, and defend the inhabitants till a greater force can be sent there. (My address will serve as a commission.) The inhabitants will furnish victuals for the garrison which will be paid for. The inhabitants and merchants will trade with the savages as customarily, but it is necessary that their influence tend toward peace, as by their influence they will be able to save much innocent blood on both sides. You will act in concert with the priest, who I hope will prepare the inhabitants to grant you your demands. If it is necessary to grant presents to the savages, you will have the kindness to furnish what shall be necessary provided it shall not exceed the sum of two hundred piastres.

"I am Sir, respectfully your very humble and very obedient servant

"G. R. CLARK."

This letter was in French, as was also the address referred to, a translation of which is as follows:

"George Rogers Clark, Colonel Commandant of the troops of Virginia at the Falls of the Ohio and at the Illinois, etc., Address to the inhabitants of Post Vincennes.

"The inhabitants of the different British posts from Detroit to this post, having on account of their commerce and position great influence over the various savage nations, have been considered as persons fitted to support the tyrannies which have been practiced by the British ministry from the commencement of the present contest.

"The Secretary of State for America has ordered Governor Hamilton at Detroit to intermingle all the young men with the different nations of savages, to commission officers to conduct them, to furnish them all necessary supplies, and to do everything which depends on him to excite them to assassinate the inhabitants of the frontiers of the United States

of America; which orders have been put into execution at a council held with the different savage nations at Detroit the 17th to the 24th day of the month of June, 1777. The murders and assassinations of women and children and the depredations and ravages which have been committed cry for vengeance with a loud voice.

"Since the United States has now gained the advantage over their British enemies, and their plenipotentiaries have now made and concluded treaties of commerce and alliance with the Kingdom of France and other powerful nations of Europe, His Excellency the Governor of Virginia has ordered me to reduce the different posts to the west of the Miami with a body of troops under my command, in order to prevent further shedding of innocent blood. Pursuant to these orders I have taken possession of this fort and the munitions of this country; and I have caused to be published a proclamation offering assistance and protection to all the inhabitants against all their enemies and promising to treat them as the citizens of the Republic of Virginia (in the limits of which they are) and to protect their persons and property if it is necessary, for the surety of which the faith of the government is pledged; provided the people give certain proofs of their attachment to the states by taking the oath of allegiance in such cases required, as provided by law, and by all other means which shall be possible for them, to which offers they have voluntarily acceded. I have been well pleased to learn from a letter written by Governor Abbott to M. Rocheblave that you are in general attached to the cause of America.

"In consequence of which I invite you all to offers hereafter mentioned, and to enjoy all their privileges. If you accede to this offer, you will proceed to the nomination of a commandant by choice or election, who shall raise a company and take possession of the fort and of all the munitions of the king in the name of the United States of America for the Republic of Virginia and continue to defend the same until further orders.

"The person thus nominated shall have the rank of captain and shall have the commission as soon as possible, and he shall draw for rations and pay for himself and his company from the time they shall take the fort, etc., into their possession. If it is necessary, fortifications shall be made, which will be also paid for by the state.

"I have the honor of being with much consideration, sirs, your very humble and obedient servant,

"G. R. CLARK."

With these documents Gibault and Lafont made their way to Vincennes, and found little difficulty in persuading the people to join the

American cause. A few Englishmen and French who saw that they were in a hopeless minority, left the place and started up the Wabash. On July 20 the remainder gathered at the church, and took the oath, of which the following is a translation:

“Oath of Inhabitants of Vincennes.

“You make oath on the Holy Evangel of Almighty God to renounce all allegiance to George the Third, King of Great Britain, and to his successors, and to be faithful and true subjects of the Republic of Virginia as a free and independent state; and I swear that I will not do or cause anything or matter to be done which can be prejudicial to the liberty or independence of the said people, as prescribed by Congress, and that I will inform some one of the judges of the country of the said state of all treasons and conspiracies which shall come to my knowledge against the said state or some other of the United States of America: In faith of which we have signed at Post Vincennes, the 20th of July, 1778.

“LONG LIVE THE CONGRESS.”

To this oath 184 men of Vincennes affixed their signatures, or in most cases their marks. Hamilton said that Gibault absolved the French from their allegiance to Great Britain, and Clark says they “went in a body to the Church where the Oath of Allegiance was administered to them in the Most Solemn Manner an officer was Elected and the Fort Ameditely taken possession of and the American Flag displayed to the astonishment of the Indians and everything settled beyond our most sanguine hopes.” Gibault returned about the first of August with the cheering news, and Clark was now overwhelmed by the consideration that he had more territory than he had men to hold. The period of enlistment of his troops was ended, and many of them desired to return home. Clark assumed the power of reenlisting those who were willing to stay, and filled up his companies with volunteer Frenchmen. He sent Captain Leonard Helm to take charge of Post Vincennes, appointing him Superintendent of Indian Affairs on the Wabash. He was especially charged with securing the friendship of Young Tabac, the chief of the Piankeshaws, who was very influential among the Wabash Indians. Clark sent a letter to the latter offering him war or peace, and exhorting him if he chose the former to fight like a man as he would see his British Father made feed for the dogs. Helm succeeded so well that Tabac not only became a firm friend of the Americans but formed a strong personal attachment to Helm. When Helm was captured by Hamilton, Tabac declared himself a prisoner also, and insisted on sharing Helm’s confinement. Hamilton made every effort to win him back, but he was obdurate,

and accepted Hamilton's presents only on the ground of sharing them with his "brother" Helm. Hamilton could not afford to offend him, and so Tabac had his way. Before this he was of immense service, for he made such representations to the other Indians that they flocked to Cahokia to seek peace with Clark.

This was what Clark wanted, for he says he had been considering the French method of dealing with the Indians, and had decided that it was a mistake to ask them to make treaties. He says that Chippewas, Ottawas, Potawatomis, Missisagas, Winnebagos, Sauks, Foxes, Osages, Iowas and Miamis gathered there until "I must confess that I was under



THE GARRISON MARCHING OUT

some apprehension among such a number of Devils." There was some cause, for a party of Puans undertook to capture Clark at his lodgings, but were detected and captured. Clark had their chiefs put in irons, and sternly rejected all pleas in their behalf, until two of their young men came forward and offered themselves for death in atonement. After haughty deliberation Clark took these two youths by the hand, and pronounced them chiefs; released his captives, whom he denounced as squaws who did not know how to make war, and told them to go join the English. To all the rest he offered war or peace, as they might choose, and did it with such show of confidence and indifference that they all humbly asked for peace. In the space of five weeks he concluded peace

with "ten or twelve different Nations." This was timely, for no reinforcements were coming for him, and Hamilton was actively preparing for an expedition against him from Detroit. Hamilton started in October with 36 regulars, 70 French volunteers, and 60 Indians. He gathered up Indians along the road until he had about 400. On December 17 Helms sent a messenger to Clark with a letter stating that the British were within three hundred yards of the town, and that he was practically deserted by his French militia, having but four men that he could rely on. His estimate of the reliables was four times too large, but that was immaterial. The messenger was captured and Clark never received the letter. Major Hay, who had been sent in advance by Hamilton, took possession of the town without resistance, and when Hamilton arrived and demanded the surrender of the fort, Helm consented on being allowed the honors of war. He then marched out with the one man who had remained with him, and laid down his arms. The identity of the latter half of the garrison is unknown. Tradition says it was Moses Henry, but Clark says that Henry was a "suspected person" who had been confined in the fort by Hamilton after his arrival, and Moses Henry was not among Clark's soldiers who received military lands from Virginia, although he was made Indian agent by Clark later, and resided at Vincennes for some years afterwards. Henry's wife took him word of the arrival of Clark, and he informed Helm and the other prisoners before Hamilton had any suspicion of it.

Clark did not learn of the capture of Vincennes until in January, and Hamilton thought he got his information from six French deserters, one of whom was a brother of Father Gibault, who escaped from Vincennes in the latter part of January. Clark had learned of it before that time. Shortly after Hamilton's arrival at Vincennes, an Ottawa chief who was with him led a party to the mouth of the Wabash to try to intercept some Americans. As none appeared he led his party to the Illinois, and came near capturing Clark himself, who had gone to Prairie du Rocher. They fell in with some French hunters, who brought word to Kaskaskia. An express was sent to Clark, who was enjoying a dance at Captain Barber's, with the alarming information that a party of 800 whites and Indians were within a few miles of the fort and expected to attack it that night. There was some wild excitement and preparation for the next twenty-four hours, when it was learned that the party had retreated to Vincennes, and Clark says: "it was now conjectured that St. Vincents was certainly in the Hands of the Enemy, and that the party that had been in the Neighborhood had been sent from that place on some Errand or other." He remained in suspense, preparing for any emergency, until January 29, when Francis Vigo arrived

from Vincennes with definite information. Vigo was at the time a fur trader at St. Louis, who had been furnishing Clark large amounts of supplies. He volunteered to go to Vincennes and furnish Helm with supplies and provisions and started for that place on December 18, not knowing of Hamilton's arrival. On the 24th he was captured at the Embarras River by some of Hamilton's Indians, who took him to Vincennes. Hamilton found nothing wrong about him, but Vigo refused to give his parole "not to do any act during the war injurious to the British interests," and so he was held on a parole requirement to report every day at the fort. This gave him ample opportunity to learn what was going on. Hamilton was busy. He first took a census of the place and found that there were 621 people there, of whom 217 were fit to bear arms, besides several who had gone buffalo-hunting. He then says:

"Having summon'd the Inhabitants to assemble in the Church, I went to meet them, reproach'd them with their treachery and ingratitude, but told them since they had laid down their arms and sued for protection, that on renewing their Oath of Allegiance they should be secured in their persons and property. Lenity I thought might induce the French inhabitants at Kaskaskias to follow their example, tho' the conduct of the Canadians at large was but poor encouragement. I read twice to them the Oath prepared for them to take, explain'd the nature of it, and cautioned them against that levity they had so recently given proof of. The oath being administer'd, they severally kiss'd a silver crucifix at the foot of the Altar, after which they sign'd their names to a paper containing the same Oath in writing. It was conceived in the following terms: (translation)

"At St. Vincennes, December 19, 1778.

"We, the undersigned, declare and acknowledge to have taken the oath of allegiance to Congress, in doing which we have forgotten our duty to God and have failed in our duty to man. We ask pardon of God and we hope from the goodness of our legitimate sovereign, the King of England, that he will accept our submission and take us under his protection as good and faithful subjects, which we promise and swear to become before God and before man. In faith of which we sign with our hand or certify with our ordinary mark, the aforesaid day and month of the year 1778."

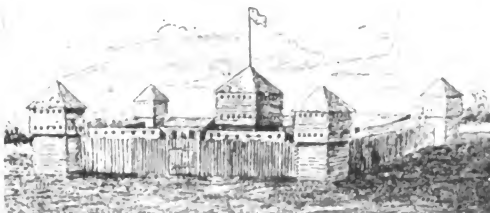
Having thus rectified the mental and moral attitude of the community, Hamilton turned his attention to the fort, which he says he found, "a miserable stockade, without a Well, barrack, platform for small arms, or even a lock to the gate." He further says: "In the course of the winter we built a guard-house, Barracks for four companies, sunk a Well, erected two large Blockhouses of oak, musquet

proof, with loop-holes below, and embrasures above for 5 pieces of Cannon each, alter'd and lin'd the Stockade, laid the Fort with gravel"; and also, "The fort was on the 22nd of February in a tolerable state of defence the Work proposed being finished." He also changed the name to Fort Sackville, in honor of Lord George Sackville, then British Secretary of State for the Colonies. After about a month's detention at Vincennes, Vigo's French friends intervened in his behalf, and Hamilton consented to let him go on parole that he would "not do anything injurious to the British interests on his way to St. Louis." This pledge he kept religiously, as he always did a promise given; but as soon as he reached St. Louis he hastened to Kaskaskia, and gave Clark his information. Desperate as the situation looked, it presented an opportunity that appealed to Clark. Disappointed in his hope for reinforcement, he leaped at the chance to complete his conquest with the force he had. He called his officers in council and proposed to go to Vincennes and attack Hamilton. They agreed. There is no room to doubt that the sentiments of all were expressed in Clark's letter to Henry on February 3, in which, after recounting Vigo's arrival with information of Hamilton's success, his efforts to regain the friendship of the Indians, and the loyalty of those nearest to Vincennes to the Americans, Clark puts the situation thus:

"Ninety Regulars in Garrison a few Volunteers and about Fifty Tawaway Indians that is Shortly to go to war they are very Busy in Repairing the Fort which will Shortly be very Strong, One Brass Six-pounder two Iron four pounders and two Swivels Mounted in the Bastians plenty of Ammunition and provitions and all kinds of warlike Stores, Making preparation for the Reduction of the Illenois & has no Suspition of a Visit from the americans this was Mr. Hamilton's Circumstance when Mr. Vigo left him

"Being sensible that without a Reinforcement which at present have hardly a right to Expect that I shall be obliged to give up this Cuntrey to Mr. Hamilton without a turn of Fortune in my favour, I am Resolved to take the advantage of his present Situation and Risque the whole on a Single Battle. I shall Set out in a few Days with all the Force I can Raise of my own Troops and a few Militia that I can Depend on (in the whole only one) Hundred (part of which goes on) Board a Small G (alley, fitted) out some time ago Mounting two four pounders and four large Swivels one nine pounder on Board this Boat is to make her way good if possible and take her Station Tenn Leagues Below St. Vincens until further orders if I am Defeated She is to Join Col. Rogers on the Mississippi She has great Stores of Ammunition on Board Comd by Lieut. Jno Rogers. I Shall March across by Land myself with the Rest

of My Boys the principle persons that follow me on this forlorn hope is Capt'n Joseph Bowman John Williams Edwd Worthington Richd M Carty & Frans Charlovielle Lieuts Richd Brashears Abm Kellar Abm Chaplin Jno Jerault And Jno Bayley and several other Brave Subalterns, You must be Sensible of the feelings that I have for those Brave officers and Soldiers that are Determined to share my Fate let it be what it will I know the Case is Desperate but Sr we must Either Quit the Cuntrey or attact Mr. Hamilton no time is to be lost was I Shoer of a Reinforce-ment I should not attempt it who knows what fortune will do for us Great things have been affected by a few Men well Conducted perhaps we may be fortunate we have this Consolation that our Cause is Just



FORT SACKVILLE, VINCENNES, INDIANA, 1779

and that our Cuntrey will be greatful and not Condemn our Conduct in case we fall through if so this Cuntrey as well as Kentucky I believe is lost."

Well might his heart warm to the men who joined him in that perilous undertaking. According to Bowman, 46 went in the galley, and those who marched were 170, including "the Artillery Pack Horsemen &c." And what a march! From the afternoon of February 5 to the afternoon of February 23, through muddy overflowed plains, with rain falling almost continually, without tents, and after the 16th almost without provisions except one deer killed on the 20th. The only favoring feature was that the weather did not turn cold until the night of the 22nd, when ice formed about an inch thick. This brought the supreme effort. On the 24th Bowman records: "Set off to cross a plain called Horse Shoe



plain about 4 Miles long cover'd with Water breast high—here we expected Some of our brave Men must certainly perish having froze in the Night and so long fasting and no other Resource but wading this plain or rather a leak (lake) of Water we pushed into it with Courage Col. Clark being the first, taking care to have the Boats close by, to take those that was weak and benumbed (with the cold) into them Never was Men so animated with the thoughts of revenging the wrongs done to their back Settlements as this small Army was." Luckily there was a copse of timber on the way, which Clark says "was of great consequence" for "all the Low men and Weakly Hung to the Trees and floated on the old logs untill they were taken off by the Canoes the strong and Tall got ashore and built fires many would reach the shore and fall with their bodies half in the water not being able to Support themselves without it this was a delightful Dry spot of Ground of about Ten Acres we soon found that the fires answered no purpose but that two strong men taking a weaker one by the Arms was the only way to recover him and being a delightfull Day it soon did But fortunately as if designed by Providence a canoe of Indian squaws and Children was coming up to the Town and took through part of this plain as a nigh way was discovered by our Canoes as they ware out after the men they gave chase and took them on Board of which was near half Quarter of Buffaloe some corn Tallow Kettles &c this was a grand prise and was Invaluable Broath was amediately made and served out to the most weak but with great care most of the whole party got a little but a great many would not tast it but gave their part to the weakly Jocosely saying something cheary to their comrades this little refreshment and fine weather by the afternoon gave new life to the whole." It was not strange that Clark wrote to Mason: "If I was sensible that You wou'd let no Person see this relation I would give You a detail of our suffering for four days in crossing those waters, and the manner it was done; as I am sure that You wou'd Credit it. but it is too incredible for any Person to believe except those that are well acquainted with me as You are, or had experienced something similar to it." Neither was it strange that in his Memoir, under date of March 7—two weeks later—he recorded: "A number of our men now got sick their Intrepidity and good suckcess had untill this keep up their spirits but things falling of to that little more than that of common Garrison duty they more sensibly felt the Pains and other complaints that they had contracted during the severity of the late uncommon march to which many of those Valuable men fell a sacrifice and few others ever perfectly recovered it."

Clark was in sight of the town, but he was not yet safe. He says, "Ammunition was scarce with us as the most of our Stores had been put

on board of the Gally." Hamilton says that although he had required all the gunpowder in the town to be surrendered to him, "nevertheless Colonel Clarke was supplied by the Inhabitants, his own to the last ounce being damaged on his March." Waiting till near sunset, he first dispatched a captive duck-hunter to the town with a warning to the people that he was about to attack the place, and for those who wanted to help the British to get into the fort, and others to stay in their houses. He then staged a moving picture show for them, marching and counter-marching his men behind ridges of land where nothing could be seen of them except flags which they carried on poles. As soon as it was dark they marched direct to the town, and sent 15 men to begin firing on the fort, while the rest took possession of the town. One of the first moves was to the houses of Col. Legras and Major Busseron, who had "buried the Greatest part of their powder and Ball" when Hamilton first came, and had probably sent word of it to Clark by Vigo. Clark says, "this was amediately produced and we found our selves well supplied by those Gentn." The surprise of the fort was complete. Hamilton says: "About 5 minutes after candles had been lighted we were alarmed by hearing a Musquet discharged; presently after some more. I concluded that some party of Indians was returned or that there was some riotous frolic in the Village, going upon the Parade to enquire I heard the Balls whistle, order'd the Men to the Blockhouses, forbidding them to fire till they perceived the shot to be directed against the Fort. We were shortly out of suspence, one of the serjeants receiving a shot in the breast." He says, however that Maisonville had come in earlier in the day with a report that "he had discover'd about four leagues below the fort, fourteen fires, but could not tell whether of Virginians or Savages," and he had sent Captain Lamothe with twenty men for further information. Lamothe made a circuit around the flooded lands, and discovered nothing until he heard the firing on the fort. He got back into the fort with his men early the next morning. Clark says he let them in for fear they might go for aid of hostile Indians.

There was a continuous fusillade during the night, without great damage, though Hamilton says he had "a Serjeant Matross and five Men wounded"—a Matross was an assistant artilleryman. But Clark utilized the darkness to make an entrenchment across the street about 120 yards in front of the gate of the fort. Young Tabac had offered to assist in the attack with one hundred men, but Clark thanked him and told him he needed no assistance. At 8 or 9 o'clock on the morning of the 24th Clark sent a flag of truce with a letter to Hamilton demanding the immediate surrender of the fort, and adding, "if I am obliged to storm, you may depend upon such Treatment justly due to a Murderer

beware of destroying Stores of any kind or any papers or letters that is in your possession or hurting one house in the Town for by heavens if you do there shall be no Mercy shewn you." To this ferocious message

Colonel Clark's Compliments to Mr.  
Hamilton and begs leave to inform  
him that Col. Clark will not agree  
to any other Terms than that of Mr.  
Hamilton's Surrendering himself and  
Garrison Prisoners at Discretion  
If Mr. Hamilton is Desirous of  
meeting him at the Church with Capt.  
Helms

July 24th 1799 - G. Clark

## CLARK'S LETTER TO HAMILTON

(From original, owned by Wisconsin Historical Society)

Hamilton curtly replied that "he and his Garrison are not disposed to be awed into any action Unworthy of British subjects." Firing was then resumed until Hamilton sent a flag of truce proposing a truce of three days, and a conference with Clark in the fort. Clark replied that he

would accept no terms but surrender at discretion, but that if Hamilton desired a conference he would meet him and Captain Helm at the church. The latter was accepted, and it was a meeting of two accomplished bluffers as ever met on Indiana soil, but Clark knew Hamilton's cards, and Hamilton did not know Clark's. Hamilton was willing to surrender, but wanted honorable terms. Clark told him, "on you Sir who have embred your hands in the blood of our women and children, Honor, my country, everything calls on me alloud for Vengeance." Helm tried to intercede but Clark refused to listen to him. He told Hamilton that he had only 35 or 36 men in the fort that he could rely on; and Hamilton knew it was true. Finally Clark said he would send articles that he would allow, and would give half an hour to consider them, and so they separated. Clark sent his articles as follows:

"1st. Lt. Gov. Hamilton engages to deliver up to Col. Clark Fort Sackville as it is at present with all the stores, ammunition, provisions, &c.

"2nd. The Garrison will deliver themselves up Prisms of War to march out with their arms accoutrements, Knapsacks &c.

"3d. The Garrison to be deliver'd up to-morrow at 10 o'clock.

"4th. Three days time to be allowed the Garrison to settle their accounts with the traders of this Town.

"5th. The Officers of the Garrison to be allowed their necessary baggage.

"Signed at Post Vincennes the 24th day of February, 1779.

"G. R. CLARK."

Within the time limit, Hamilton returned this with the following indorsement:

"Agreed to for the following reasons—

"The remoteness from succour, the state and quantity of provisions, the unanimity of officers and men on its expediency, the honorable terms allowed and lastly, the confidence in a generous enemy.

"HENRY HAMILTON

"Lieut. Govr. & Superintendent."

In this connection, Hamilton adds in his report:

"Among reasons not mentioned on the face of the capitulation were the treachery of one-half our little garrison, the certainty of the Inhabitants of the Village having joyned the Rebels—The North-East Angle of the fort projecting over a sandbank already considerably undermined, the miserable state of the wounded Men, the impossibility of effecting an escape by water, while the half of our number had shewed their poltron-

nerie and treason, and our wounded must be left at the mercy of a merciless set of Banditti.

"Having given the necessary orders, I pass'd the night in sorting papers and in preparing for the disagreeable ceremony of the next day.

"Mortification, disappointment, and indignation had their turns.

"At ten o'clock in the morning of the 25th, we marched out with fix'd Bayonets and the Soldiers with their knapsacks—the colors had not been hoisted this morning, that we might be spared the mortification of hawling them down."

There were two incidents that probably hastened Hamilton's action. During the conference in the church a party of Clark's men had gone to meet a party of Indians who were returning from a raid with scalps, and who mistook the Americans for friends until close to them. A dozen of them were killed or wounded, and six were captured and brought into town, where four of them were tomahawked in view of the fort, the other two being Frenchmen who were saved by the intercession of friends. This was probably Hamilton's first opportunity of knowing what savage warfare signified when brought home to himself, and it apparently made a lasting impression. In his report he says: "One of them was tomahawk'd immediately. The rest sitting on the ground in a ring bound—seeing by the fate of their comrade what they had to expect, the next on his left sung his death song, and was in turn tomahawk'd, the rest underwent the same fate, one only was saved at the intercession of a Rebel Officer who pleaded for him telling Coll Clarke that the Savage's father had formerly spared his life. The Chief of this party after having had the hatchet stuck in his head, took it out himself and deliver'd it to the inhuman monster who struck him first, who repeated his stroke a second and a third time, after which the miserable spectacle was dragged by the rope about his neck to the River, thrown in, and suffer'd to spend still a few moments of life in fruitless strugglings—Two serjeants who had been Volunteers with the Indians escaped death by the intercession of a father and a Sister who were on the spot." Hamilton also says that Maisonville was partially scalped by order of Clark; but Clark says this was done by two men who captured this "famous Indian partizan" and "was so Inhumane as to take a part of scalp."

The other occurrence was at the conference at the church, when Clark was emphasizing his determination to take vengeance on Indian partizans. Clark says: "Majr Hay paying great attention I had observed a kind of distrust in his countenance which in a great measure Influenced my Conversation during the time on my Concluding pray Sir says he who is that you call Indian partizans Sir I Replyed I take Majr Hay to be one of the Principals I never saw a man in the Moment

of Execution So Struck as he appeared to be Pail and Trembling scarcely able to stand G H. blushed and I observed was much affected at his behaviour in the presence of Captn Bowmans Countenance Sufficiently explained his disdain for the one and his sorrow for the other." In reality Hay was a light-hearted and light-headed youth who was not cut out for a hero, and did not fully realize what he had been doing. He had not taken part in Indian raids, but had represented the British at Fort Wayne during the preceding winter in dealings with the Indians who went on raids from there. His journal<sup>4</sup> gives a most interesting view of social life in Fort Wayne at that time, and incidentally shows that he was much more at home singing or dancing with the ladies, or getting drunk with the men, than in military operations; but it does not give any indication that he was hard-hearted or cruel.

Presumably Hamilton was largely influenced by consideration for him, for when Clark ordered Hay and others put in irons after the surrender, Hamilton says: "I observed to him that these persons having obey'd my orders were not to be blamed for the execution of them, that I had never known that they had acted contrary to those orders, by encouraging the cruelty of the savages, on the contrary and that if he was determined to pass by the consideration of his faith and that of the public, pledged for the performance of the Articles of capitulation, I desired he might throw me into prison or lay me in irons rather than the others." But Clark had "neck-irons, fetters and handcuffs" put on the three Indian partisans, and when they got to Virginia, Governor Jefferson had handcuffs put on Hamilton. Later these were exchanged for fetters riveted on, and the whole party were confined in prison. Protests were made, but Jefferson insisted that it was a right to so confine prisoners of war who had surrendered without specifications as to treatment, until Washington finally interposed and the irons were removed. The treatment was hardly justifiable, but the American public was so indignant over the ravages of Great Britain's Indian allies that it is surprising that nothing worse happened. On the day after the surrender of the fort, Captain Helm was sent up the river to meet a party coming down with supplies. They returned on March 5, having captured Judge Dejean of Detroit, M. Adhemar, Commissary at Fort Miamis, with 38 soldiers and seven boats loaded with provisions and supplies. The Willing—the boat sent around by the Mississippi—arrived on February 27, and the crew were much disappointed to have arrived too late to take part in the victory. Dejean was sent to Virginia with the officers of the fort and eighteen of the private soldiers who belonged to the

<sup>4</sup> Published in the Collections of the Wisconsin Historical Society for 1914.

British army. The remainder of the prisoners were paroled and allowed to return to Detroit. A council was held to consider an attack on Detroit, but it was deferred to summer.

An Indian account of the capture of Vincennes was received by Col. Brodhead through Rev. John Heckewelder, who wrote from his mission, on April 28, 1779, "The Governor of Detroit after having taken Fort Chubhicking, from the Americans, sent all the Indians who were with him home again, except two of the head men of every nation. A few weeks ago a number of Virginians appeared unexpectedly at said fort, surrounded it and took it with all that was in it, and the Governor made a prisoner. That the night after the fort was taken, two Shawanese made their escape out of the same, upon which they, the Americans suspecting the Governor hanged him immediately, and killed the rest of the Indians who were in the fort. That the Virginians sent two men with a large letter, and the war belt they had found by the Governor, over to Kentuck; that these two men were killed by the way by 20 warriors, and the letter band all taken; that not long after, these twenty warriors (said to be Chippewas and Tawas) were coming along with some stolen horses, and being at last in sight of the fort, hobbled the same on the commons, and marched with the death halloo towards the fort, upon which the drums began to beat, but the warriors having heard nothing of what had happened, as they had gone out from that place to war—said, 'Our Father rejoices that we are coming again; we shall now be treated well.' They then being about half gun shot off, they fired out of the fort and killed eighteen on the spot, upon which the other two ran off, and brought the letters to the Shawanee towns, where they got a prisoner to read them. But as he could not read well, could make out no more than that the commandant of the Virginians mentioned what he had done, and that he requested a strong reinforcement immediately. The letters are now in the hands of Alexr. McKee."<sup>5</sup> Chubhicking, varied to Chubhacking and Chupukin<sup>6</sup> is the Delaware name of Vincennes. It is compounded of (following Heckewelder's spelling) tshup-pic, or tschap-pik, meaning a root; hacki, ground, earth, region; and the terminal locative, i. e. Place of Roots, which is a translation of the Miami name.

Of recent years there has been an application of "the higher criticism" to the original accounts of this conquest of Gen. Clark by some of the Real Historians of the East. One of the most notable instances is to be found in *The Winning of the West*, by Theodore Roosevelt, whose mental processes have given him an unique standing as an his-

<sup>5</sup> Wisc. Hist. Coll., Vol. 23—Draper Series, Vol. 4, p. 295.

<sup>6</sup> *Ib.*, pp. 231, 325, 334.

torical writer. He adds Clark to his Ananias Club on account of his Memoir, having no less than eight foot-notes, in the compass of fifty pages, denouncing the inaccuracies of this document.<sup>7</sup> He says it was written "some thirty or forty years after the events of which it speaks"; that it was "written by an old man who had squandered his energies and sunk into deserved obscurity"; that "when Clark wrote



LIEUT.-GOV. HENRY HAMILTON

(From portrait owned by C. M. Burton of Detroit)

his memoirs, in his old age, he took delight in writing down among his exploits all sorts of childish stratagems; the marvel is that any sane historian should not have seen that these were on their face as untrue as they were ridiculous." His chief basis for his position is that the Memoir contains a number of statements that are not duplicated in Clark's official reports and original letters. As a mere matter of fact,

<sup>7</sup> Winning of the West, Vol. 2, pp. 36, 47, 55, 57, 61, 63, 79, 82.



the Memoir was unquestionably written in the years 1789-91, at the special request of James Madison, who asked Clark "to descend in the recital even to minutia" and that "in collecting materials you will not use a sparing hand. Many things may appear very interesting to others which you might think unimportant."<sup>8</sup> One of the "childish stratagems" to which Mr. Roosevelt objects is the statement that they "marched to and fro with many flags flying, so as to impress the British with his numbers. Instead of indulging in any such childishness (which would merely have warned the British, and put them on their guard), he in reality made as silent an approach as possible, under cover of the darkness."

But Clark does not say they countermarched to impress the British. On the contrary he says that they marched "in full View of the Town," but that "as part of the Town lay between our Line of March and the Garison we could not be seen by the sentinels on the walls." He was deceiving the town people, and he always misrepresented his strength to the French, on the theory that while most of them were loyal there were others from whom information would get to the British. This is exactly what happened in this case, for the first information Hamilton got was from Lamothe, who said that a woman in the town had told him that "Colonel Clark was arrived with 500 Men from the Illinois"; and Hamilton knew no better until after his surrender. As to the event itself, Clark told the same story soon after to Mason in his letter of November 19, 1779. Bowman, in his journal for the day says: "We began our March all in order with colors flying and drums brased." The first account of the capture received at Detroit was from Captain Chene who was outside the fort at Vincennes when the attack was made, and who made his escape. His report says: "The Rebels entered at the lower end of the village with a drum beating and a white colour flying." From all this testimony it would appear to be established that if Mr. Roosevelt had been managing the campaign, it would not have been as Clark managed it.

But Mr. Roosevelt's choicest morsel is this: "Unfortunately, most of the small western historians who have written about Clark have really damaged his reputation by the absurd inflation of their language; they were adepts in the forcible-feeble style of writing, a sample of which is their rendering him ludicrous by calling him 'the Hannibal of the West,' and the 'Washington of the West.'" It is a pity that Mr. Roosevelt was not sufficiently familiar with American history to know that the "small western historian" who gave the title of "the

<sup>8</sup> Ill. Hist. Coll., Vol. 8, pp. 619-29.

Hannibal of the West" to Clark was John Randolph of Roanoke;<sup>9</sup> and it is no less mournful that he was not sufficiently acquainted with ancient history to know that the title was peculiarly apt. For the benefit of those who may share Mr. Roosevelt's misfortune, it may be explained that the expression does not imply that Clark was a Carthaginian, nor that he was of the same age, weight, color or previous condition of servitude as Hannibal. The similarity that appealed to Randolph is expressed in the Latin phrase, "*Hannibal ante portas*"—an unexpected enemy at hand. Hannibal made himself immortal by accomplishing the daring and desperate feat of crossing the Alps in the dead of winter, and striking Rome from an unexpected quarter. The analogy lies in the fact that Clark accomplished the daring and desperate feat of crossing the flooded lands of Illinois and Indiana in the dead of winter, and striking Vincennes from an unexpected quarter. Of course Hannibal's army was larger, but Clark risked the greater odds, if the chance of striking hostile Indians be taken into consideration. But that is immaterial. It is the element of the surprising and unexpected that is associated with the name of Hannibal by classical writers and speakers. If John Randolph were alive today, he might possibly refer to Mr. Roosevelt as The Hannibal of Oyster Bay.

He might note that although Mr. Roosevelt tosses aside most of the stories connected with Clark's campaign, he accepts the story of his interrupting a dance at the taking of Kaskaskia, of which there is no mention in any account by any of the original witnesses. Moreover it is inconsistent with the fact that the Commandant, Rocheblave, was found in bed when this midnight surprise was made, and the inhabitants were warned to keep in their houses, on pain of being shot; in consequence of which Clark says: "I don't suppose greater silence ever reigned among the inhabitants of a place than did at this present not a person to be seen, not a word to be heard by them for some time." The presentation of this phase of the subject would not be complete without the following comment from Hon. Thomas E. Watson, who is something of a critic himself:

"There is a dramatic story to the effect that when Clark's men drew near that night they found the fort lit up, fiddles going merrily, and the defenders tripping the light fantastic toe. Clark made his way to the ballroom and leaned back against the door, with crossed arms, looking on. An Indian, lying on the floor, gazed intently on Clark's face, then sprang up and gave the war-whoop, the unearthly war-whoop. A war-whoop, by the way, which is not unearthly is not up to standard and is not allowed in the books.

<sup>9</sup> Howison's Virginia, Vol. 2, p. 237.

"When the Indian whooped it was evidently time for the women to scream; and when the women were all screaming, it was impossible to fiddle and dance.

"The story goes that Clark standing unmoved, arms still crossed, countenance unchanged, bade them 'On with the dance'—warning them, however, that they must now dance under Virginia and not under Great Britian. At the same time his men burst into the fort, etc.

"Mr. Roosevelt likes this story so well that he puts it into his *Winning of the West*, saying that he sees no good reason for rejecting it entirely.

"For the same reason the present writer likes it, and has not rejected it—entirely.

"If the story had not been ended so abruptly, if we had been told what the fiddlers and dancers did after Clark gave them permission to proceed, one's ideas might be clearer and more satisfactory.

"But if the episode of the ballroom draws rather heavily upon credulity, the wonderful events which followed are involved in no doubts."<sup>10</sup>

It is not difficult to understand how Mr. Roosevelt might indulge in such little eccentricities as these, but the mind of man can hardly comprehend why he follows them with this statement in regard to the employment of Indian scalp-hunters by the British: "A certain kind of American pseudo-historian is especially fond of painting the British as behaving to us with unexampled barbarity; yet nothing is more sure than that the French were far more cruel and less humane in their contests with us than were the British."<sup>11</sup> Here are a few extracts from the fifty pages following this remarkable proposition.

"De Peyster, a New York tory of old Knickerbocker family, had taken command at Detroit. He gathered the Indians around him from far and near, until the expense of subsidizing these savages became so enormous as to call forth serious complaints from headquarters. He constantly endeavored to equip and send out different bands, not only to retake the Illinois and Vincennes, but to dislodge Clark from the Falls; he was continually receiving scalps and prisoners, and by May he had fitted out two thousand warriors to act along the Ohio and the Wabash."<sup>12</sup>

"Nevertheless small straggling bands of young braves occasionally came down through the woods; and though they did not attack any fort or any large body of men, they were ever on the watch to steal horses, burn lonely cabins, and waylay travellers between the stations. They

<sup>10</sup> *Life and Times of Thomas Jefferson*, p. 226.

<sup>11</sup> *Winning of the West*, Vol. 2, p. 87.

<sup>12</sup> *Ib.*, p. 102.

shot the solitary settlers who had gone out to till their clearings by stealth, or ambushed the boys who were driving in the milk cows or visiting their lines of traps. It was well for the victim if he was killed at once; otherwise he was bound with hickory withes and driven to the distant Indian towns, there to be tortured with hideous cruelty and burned to death at the stake."<sup>13</sup>

"Then the savages instantly fled, but they had killed and scalped, or carried off, ten of the children. Be it remembered that these instances are taken at random from among hundreds of others, extending over a series of years longer than the average life of a generation."<sup>14</sup>

"A war party starting from the wigwam-towns would move silently down through the woods, cross the Ohio at any point, and stealthily and rapidly traverse the settlements, its presence undiscovered until the deeds of murder and rapine were done, and its track marked by charred cabins and the ghastly, mutilated bodies of men, women, and children. If themselves assailed, the warriors fought desperately and effectively. They sometimes attacked bodies of troops, but always by ambush or surprise; and they much preferred to pounce on unprepared and unsuspecting surveyors, farmers, or wayfarers, or to creep up to solitary, outlying cabins. They valued the scalps of women and children as highly as those of men. Striking a sudden blow, where there was hardly any possibility of loss to themselves, they instantly moved on to the next settlement, repeating the process again and again."<sup>15</sup>

"One of the official British reports to Lord George Germaine, made on October 23d of this year (1781), deals with the Indian war parties employed against the northwestern frontier. 'Many smaller Indian parties have been very successful. It would be endless and difficult to enumerate to your Lordship the parties that continually employed upon the back settlements. From the Illinois country to the frontiers of New York there is a continual succession. • • • The perpetual terror and losses of the inhabitants will I hope operate powerfully in our favor.'"<sup>16</sup>

And during this era of horrors the one man who stood between the frontier settlements and destruction was George Rogers Clark. Working day and night to raise troops for raiding the Indian towns and attacking Detroit; with scant supplies; with Virginia's credit ruined in the west and at New Orleans; furnished only with depreciated paper currency, and little of that; obstructed by white enemies and jealous

<sup>13</sup> *Winning of the West*, Vol. 2, p. 111.

<sup>14</sup> *Ibid.*, p. 125.

<sup>15</sup> *Ibid.*, p. 126.

<sup>16</sup> *Ibid.*, p. 130.

rivals; he managed to keep up enough force to punish the Indians repeatedly, and to keep Detroit in so much fear of attack as to prevent any strong force being sent against the frontier stations. Clark not only conquered the Northwest, but he held it till the Revolutionary War was almost concluded. This was the man who, Mr. Roosevelt says, "had squandered his energies and sunk into deserved obscurity." Unquestionably republics are often ungrateful, and republican writers are sometimes ungracious.

Most of these Indian troubles had little effect on Indiana. They were directed mainly against Kentucky and the settlements on the upper Ohio. The only American settlement in Indiana was at Vincennes, and the fort and garrison there were protected against any general attack, though there were occasional attacks on out-lying settlers. The only material encounter in southern Indiana was the surprise of Col. Archibald Lochry, with a party of 107 Pennsylvanians who were on their way to join Clark at the Falls, for an expedition against Detroit. Eight men that Lochry had sent in advance with letters to Clark fell into the hands of Joseph Brant who ambushed the main party ten miles below the mouth of the Big Miami, where they had landed to cook a buffalo they had killed, being short of provisions, and also of ammunition. Forty-one were killed and the remainder captured.<sup>17</sup> But Vincennes suffered indirectly from the border warfare through the unsettled condition of public affairs. In 1778, on receipt of information of Clark's success, Virginia adopted a law organizing all the territory northwest of the Ohio as the County of Illinois, under a "county lieutenant or commandant in chief," with power to appoint deputy commandants, militia officers and commissaries. It did not extend the laws of Virginia over this territory, but provided that: "all civil officers to which the said inhabitants have been accustomed, necessary for the preservation of peace and the administration of justice, shall be chosen by a majority of the citizens in their respective districts, . . . which said civil officers, after taking the oaths as above prescribed, shall exercise their several jurisdictions, and conduct themselves agreeable to the laws which the present settlers are now accustomed to." Under this law, Gov. Henry appointed Col. John Todd County Lieutenant, on December 12, 1778.

Todd arrived at Kaskaskia early in May, 1779, and called an election of civil officers in the several settlements. Those elected at Vincennes, as shown by Todd's record book,<sup>18</sup> were as follows: "The Court

<sup>17</sup> English's Conquest of the Northwest, Vol. 2, pp. 722.

<sup>18</sup> This book is in possession of the Chicago Historical Society. An account and abstract of it, by E. G. Mason is in No. 12 of the Fergus Hist. Series.

of St. Vincennes: 1, P. Legras; 2, Francois Bosseron; 3, Perrot; 4, Cardinal (refused to serve); 5, Guery La Tulippe; 6, P. Gamelin; 7, Edeline; 8, Dejenest; 9, Barron; Legrand, Clerke; ———, Sheriff." The appointive officers were, "Militia Officers of St. Vincennes: P. Legras, L. Col.; F. Bosseron, Major; LaTulippe, 1 Capt.; Edeline, 2; W. Brouillet, 3; P. Gamelin, 4.....rank (of last two) not settled. Goden, 2 Lieut.; Goden, 3 Lieut.; Joseph Rougas, 2; Richerville, 3; Richerville, 4."

Todd promulgated various orders, one of which was that Virginia and continental paper money should be taken at par, and this order was backed by Captain Helm, then commanding at Vincennes, who accepted the money himself for his land claim later on, and lost everything. A law of Virginia, in 1781, fixing a "scale of depreciation" of paper money as compared with specie, made it two and one-half for one at the close of 1777; six for one, close of 1778; forty for one, close of 1779, seventy-five for one, close of 1780; and one thousand for one, close of 1780. The garrison had to have provisions, and when the people would not accept this currency or orders on Virginia, they "impressed" what they needed. Even on this basis, the forts at Vincennes and other points had to be abandoned on account of lack of supplies. The garrison at Vincennes was transferred in the winter of 1780-81 to Fort Jefferson which had been established on the east side of the Mississippi, five miles below the mouth of the Ohio; but on February 15, 1781, when whisky had become the only circulating medium of the troops that had any purchasing value, Captain Robert George, commanding at Fort Jefferson wrote to Col. George Slaughter, at the Falls: "As I have to purchase Supplies in the Illinois it draws away the Liquor from me fast, besides I have to send a Supply to the Opost (Vincennes), & Major Linetot has made a heavy Draft on me for 6 Hogsheads & the half of my Ammunition for the use of the Indian Department and three Hogshead more to purchase Eight Months Provisions for 25 Men which I have sent for the protection of the Opost and under the command of Capt. Bayly—The Credit of the State is so bad that nothing can be had either there or at Kaskaskia without prompt payment, & when our little Stock is exhausted I know not what we shall do, except you take some Care of us. Send us as much Whisky as you please as we are forced to expend our Taffia for Provisions. The Enemy are approaching the Opost & fortifying themselves at Miamis, so that the Inhabitants of the Opost have petitioned me for an Officer & Men to uphold the Honor of the State there, which I have complied with • • • I am under the necessity of putting a Stop to the Mens Rations of Liquor in order to purchase provisions. Please send us a little paper by the first

opportunity as we can hardly carry on business for want of that Article."

This shows quite a change of sentiment at Vincennes from that of the preceding summer, when Col. de la Balme came west on a mission, the exact character of which has not been conclusively shown, some writers asserting that he was acting under a plan of Washington and



FATHER GIBAULT

(From crayon, owned by Col. R. T. Durret of Louisville)

Lafayette to secure an uprising in Canada, and others holding that his aim was the restoration of Canada and the upper Mississippi Valley to France.<sup>19</sup> Soon after arriving he issued an address to the French on the Mississippi, who he says have asked his "advice concerning the deplorable condition to which you are reduced," in which he tells them

<sup>19</sup> Ill. Hist. Coll., Vol. 2, p. lxxxix.

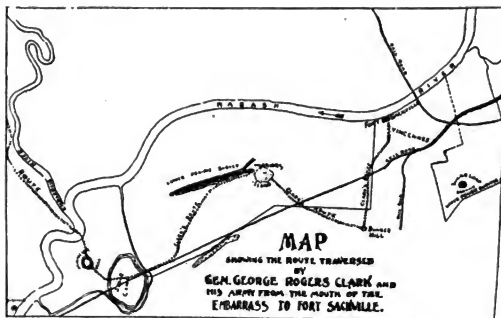
to appeal to the King of France against the exactions of the Virginians. He said: "It is well that you be informed, gentlemen, that the troops of the State of Virginia have come here against the will of the other states of America, as I learned from the members of Congress, even before my departure from Philadelphia, and that the different deputies who compose the said Congress are ignorant of the revolting proceedings and acts of violence, not only to be blamed but to be condemned before the tribunals of the whole world, which these troops are practicing against you. \* \* \* The justice which characterizes the King of France, your former and generous monarch, offers to you a protection sure and invincible. Implore his favors with confidence, for I can assure you that not only that magnanimous potentate will not suffer his allies, for whom he is making very great sacrifices, to oppress you in any manner, but also he will succor you, as far as he is able, and also your kinsmen in Detroit and in Canada, when informed of your wretched situation, the honorable Congress will do no less, you can be sure of that."

On the other hand, "the English Barbarians" were inciting the Indians to make war upon them, and the remedy was to capture Detroit, where the French would welcome them. He detailed his simple plan as follows: "In order to act with prudence and success it would be necessary to reach the Ojibawons on the tenth day of October, so as to surprise or to block the English at Detroit in the order explained herewith: four hundred French men supplied with one hundred rounds of ammunition apiece and supplies for forty days, eight hundred chosen Indians to whom there would be distributed twelve rounds of ammunition apiece so that there would remain still as many rounds to be distributed to an equal number in case of need; a tent in order to put the arms and munitions under cover in time of rain; eight large kettles and eight horses to carry the utensils and some provisions for the Indians. Moreover the inhabitants of Post Vincennes who are to take corn and tobacco to the place of meeting at the Ojibawons in order to give it to the nations allied to the French, would need in exchange one hundred pounds of lead, for they have nothing but powder." With these supplies he assured them that they could make "an expedition which would gain for you the confidence and support of the honorable Congress: which would, in short, convince the King of France of the keen interest that you take in a cause for which he has already made great sacrifices, and which would procure in a short time for you all the succor imaginable." The unhappy French received La Balme, as one American reported, "like a Masiah." The people of Kaskaskia presented a memorial to "M. Mottin de la Balme, French Colonel, and Pensioner of the King of France, former Inspector General of the Cavalry



of the United States of America" and also to the "Chevalier de Luzerne, Minister Plenipotentiary to the United States," setting forth their grievances and their desires, and those of Cahokia did likewise.<sup>20</sup> The people of Vincennes—or at least 17 of them—also sent a memoir to Luzerne, which was captured by the British. It is dated August 20, 1780, and the following passages are significant:

"From the bottom of their hearts and with the frankness which characterizes all good Frenchmen, the inhabitants of Post Vincennes, formerly faithful subjects of the king of France, dare to avow to your



CLARK'S ROUTE IN INDIANA

(From English's Conquest of the Northwest)

Excellency that they are ready to join the troops of this monarch their former and most worthy lord to act sincerely against his enemies whoever they may be. \* \* \* It is well to warn your Excellency, that it is not on the assistance of the United States troops that we count to break the yoke which oppresses us. Besides the fact that the Indians can not bear them and their aversion towards them seems unbreakable, we all believe that the best policy would be not to receive them in our lands, where English blood is already too abundant. \* \* \* When we shall have expelled our tyrants and France shall have recognized our abso-

<sup>20</sup> Ill. Hist. Coll., Vol. 2, p. 535; Vol. 5, pp. 189, 199.

lute independence, her allies shall be ours, and, since we have nothing more in our hearts than to show proof, not doubtful, of the respectful and tender affection which we have kept for the King of France, our former ruler, and since we place ourselves entirely under his protection, his wishes shall always be our rule. \* \* \* Free, we can put one hundred thousand men in the field, the Indians two hundred thousand for the same cause consequently, aided by the assistance which we ask now from the King, our common father, to give us as the events may require, we hope in a short time to become a power and count among the European nations established on this vast continent.

"Perhaps your Excellency has not been well informed concerning the kind of service which the United States troops rendered us in this war; it will be well to give your Excellency a brief outline of it. \* \* \* Virginia acting with a zeal too ardent for our interests, this zeal which can legally be called indiscreet, sent us about two hundred men half naked like the graces. The warriors thus equipped, marched under the orders of Colonel Clark, who came to free us and capture a few officers upheld by a small detachment of English soldiers. Your Excellency will see hereafter the result of this officious undertaking. These troops, said they, came on behalf of the French and of Congress. From that time no one thought it best to resist; on the contrary, all joined them; we met them half way and enrolled under their colors; we helped capture the English; we restrained the Indians who wished to resist; and finally, we gave up all for a people who claimed to be allied with France.

"Gratitude has always been a virtue. Your Excellency will see how the Virginians honor it. They hastened to flood this country with their paper money, which they said was equal in value to the metal coins and we were good natured enough to accept it as such. They bought all our goods, our horses, our provisions with the pretended money; and when we could not furnish them with any more, they had the audacity to go armed into the public mills and into the granaries of different houses to take away by force flour or grain destined for our food. Not satisfied with this violence, they thought they had the privilege of a different sort of abuse. They went and shot our cattle in the fields and our pigs in the streets and in the yards; and what is worse, they menaced and struck on the cheek those inhabitants who wished to stop these strange extractions.

"By these revolting proceedings therefore it has come about that the Virginians have entirely ruined us, and have brought war on us with several lake tribes, from which about twenty unfortunate inhabitants are already victims. They have left us without means of defense by taking away the arms and ammunition which they sent to their forts,

so that the Indians of the Wabash who are faithful to us and are our bulwark, tribes to which we can no longer furnish anything, are obliged to hunt with the bow. They have caused more than one hundred young men to leave us, who have gone to find resources in another place. They have forced us to abandon the cultivation of our fields, partly through fear of being killed by parties who come there to surprise us as a fox, and they have been the cause of the death of a great and intrepid Indian chief who was killed in avenging our people, an irreparable loss which we mourn as well as the tribes attached to us.<sup>21</sup>

"Ho Virginians! if it is thus that you treat the former and faithful subjects of the great King, our ally, if it is thus you wish to enrich us, to free us, to make us happy, leave us to the rigor of our fate! If it is thus, in sum, that you act with your friends, what treatment do you have for your enemies?"

Following this indictment comes a statement of the advantages that could accrue to France from what they wanted, but the exact nature of their request is not made specific, and assurance is given that La Balme in whom they express the highest confidence, will furnish it orally. Whatever the plan, it was carried out entirely by the French. The Americans were not asked to participate. From Kaskaskia McCarty informed Clark of what was going on, and wrote to Todd, "the people have sent him (La Balme) memorials to Congress or the French Envoy at Philadelphia setting forth all the Evil we have done. I think Government should be informed of this as the people are now entirely Ag't us." There was no interference, however, probably because all the Americans in the country were willing to have Detroit captured by anybody. Without waiting for his entire party, La Balme moved up the Wabash with sixty or eighty men, who were mounted, and made good time. They took Kikiungi by surprise, plundered some stores, and fell back to the Aboite to await reinforcements; they did not even post sentinels. That night a band of Miamis, hastily gathered by The Little Turtle, struck the sleeping camp, and killed all of the party but one young man, named Rhy, who was captured and taken to the British authorities at Detroit. On December 1, Le Gras wrote to Clark from Vincennes: "It is with regret I inform you of the melancholy defeat that our Frenchmen encountered at the Miami, Colonel de la Balme having started with about eighty men in order to take Baubin; and not having found this infamous scoundrel, our Frenchmen plundered the goods belonging to him. In returning they were attacked by the Miami

<sup>21</sup> Presumably a reference to Young Tabac, who died in 1780, and by his request was buried by the Americans. His body was taken to Cahokia and interred with the honors of war.

nations who killed the bravest of them and retook the goods which belonged to the king. Colonel de la Balme was killed as well as M. Duplacy, Milliet, Cardinal, Joseph André and a number of other volunteers. Doctor Ray is a prisoner. This affair has thrown us into a good deal of consternation, for there is a great scarcity of provisions and ammunition." La Balme also sent an expedition against the British fort on the St. Joseph's from Cahokia, and the Cahokians after plundering some stores we were overtaken by a party of Indians and traders and defeated. They returned home and sought aid from the Spanish at St. Louis. Captain Eugenio Pourré and a body of Spanish soldiers was sent to their aid, Spain being then at war with England, and they marched back and captured Fort St. Joseph's. Spain afterward claimed part of the northwest on account of this expedition, but our commissioners declined to concede it.<sup>22</sup>

These experiences dampened the ardor of the French as to protecting themselves, and those at Vincennes asked that the garrison be returned as before mentioned. But the seeds of distrust that had been sown bore their fruit. In reality, although the charges made by the French were largely true, they were no worse off than the rest of the country. The summer of 1780 was one of the gloomiest periods of the Revolutionary War. Public credit was almost destroyed, and it was with great difficulty that the American troops were kept in the field. The first ray of cheer was the victory at Kings Mountain on October 7, which was followed improving conditions until the surrender of Cornwallis on October 19, 1781. But the military situation in the west was even worse than in the east. Captain Helm's letter from Fort Jefferson, October 29, 1780, "Siting by Capt. Georges fire with a piece of Light wood and two Ribs of an old Bufloe which is all the meat We have Seen this many days," was an expression of common experience. On August 6, 1781, Capt. Bailey wrote from Vincennes, "Sir I must inform you once more that I cannot keep Garrison any longer without some speedy relief from you my Men have been 15 days upon half allowance. there is plenty of provisions here but no credit. I cannot press being the weakest party some of the Gentlemen would help us but their credit is as bad as ours therefore if you have not provisions send whisky which will answer as good an end." On August 10, Capt. Montgomery wrote from the Falls of the Ohio, "I arrived at Fort Jefferson the 1st May last, where I found the Troops in a very low and Starving Condition, nor was any goods or other Property wherewith to purchase. From the Illinois nothing could be expected, the Credit of the State being long

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<sup>22</sup> Mag. Am. Hist., Vol. 15, p. 457.

since lost there, & no supplies coming from this place, occasioned an Evacuation of that Post, which for want of Provisions, took place on the 8th June last. Since my arrival here I find things in the same Condition—not a Mouthfull for the Troops to eat nor money to purchase it with, & I have just reason to believe the Credit of Government is worn thread bare, here also—The Counties of Lincoln & Fayette particularly, tho' able to supply us, refuse granting any relief without the cash to purchase with on the Spot. I am constrained to Billet the Troops thro' the Country in Small parties for want of necessaries, except a small Guard I keep in Garrison, so that unless supplies soon arrive, I fear the Consequences will be fatal." On August 17, Capt. Slaughter wrote from the Falls, "Inclosed you'll receive the duplicate of two Letters which just now came to hand by express by which you will be acquainted with the news and situation of the Corps to the Westward, an additional grievance to us is that we are almost in the same situation as to provisions, and much worse as to Clothing my Corps I can with propriety say intersely naked."

It is an unquestionable historical truth that the financial condition of the United States, and the several states, made the closing years of the Revolutionary War times of much hardship to soldiers and civilians in all parts of the country. The French were not the only people who suffered from worthless paper money and the inability of Virginia and the United States to pay just claims. In fact there was hardly a person who took an active part in saving the northwest who was not ruined or badly worsted on this account. Vigo advanced about \$12,000, for supplies for Clark, and his warrants were returned by Oliver Pollock, Virginia's agent at New Orleans, "not paid for lack of funds." His claim, with hundreds of others, was sent to Virginia. Virginia could not pay, and when she ceded her claim to the lands northwest of the Ohio to the United States the nation assumed these obligations. In the months of delay the papers were "lost"; and not until 1833 were a mass of them found in the attic of the capitol at Richmond. Vigo died in poverty, March 22, 1836, and was buried with the honors of war, including a tombstone that put his death in 1835.<sup>23</sup> His heirs pushed his claim, but notwithstanding repeated favorable committee reports, Congress did not even let it go to the Court of Claims until 1872. The Court of Claims allowed the claim with five per cent interest. The watch-dogs of the treasury appealed to the Supreme Court which in 1876 affirmed the decision; but Justices Clifford and Hunt dissented, saying: "Unless where the contract is express to that effect, the United States are not liable to pay in-

<sup>23</sup> English's Conquest of the Northwest, p. 268.

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terest. Interest should never be allowed on old claims, when payment has been deferred because the accounting officers of the treasury were of the opinion that further legislation was necessary to authorize their allowance, unless the new law clearly provides for the payment of interest as well as principal." The majority of the Court conceded this, and also "That this rule is sometimes at variance with that which governs the acts of private citizens in a court of justice would not authorize



FRANCOIS VIGO

(From a painting owned by the University of Vincennes)

us to depart from it in this case," but they thought the act authorized the allowance of interest, and so this stain of refusing common justice, in our glorious centennial year, was avoided. The obvious moral is, if you have a just claim against the government, "Agree with thine adversary quickly."

Oliver Pollock, who financed Clark's expedition, was born in Ireland

in 1737, and brought to Pennsylvania when a child by his parents. In 1762 he engaged in business at Havana, and there became a friend of General O'Reilly, the Spanish Governor. When O'Reilly was made Governor of Louisiana, Pollock went to New Orleans, where he became wealthy and influential. In 1777 the United States made him its Commercial Agent at New Orleans, and he acted in the same capacity for Virginia. By the aid of Gov. Galvez he borrowed \$70,000 from the Royal Treasury which was used to support Clark's troops in the west. As demands grew he mortgaged his private property for \$10,000 to meet bills, and continued to redeem paper money at par until July, 1779, from all of which he suffered heavy losses. In 1783 he was made United States Agent at Havana, and in 1784 he was imprisoned for debts of the United States amounting to \$150,000. In 1785 he was released on parole and returned to the United States where in 1791 he induced Congress to pay this debt, but it did not remunerate him. He went back to Pennsylvania impoverished, and in 1800 was in the debtors prison at Philadelphia. He managed to get another start, and in 1815 removed to Mississippi, where he died December 17, 1823.

Clark, himself, never succeeded in collecting what was due him from Virginia, and long after his death his heirs had to go into court for the division of over \$25,000 that his administrator had finally recovered. Moreover, in 1785, the hostile Indians having begun depredations on the Wabash, the Executive Committee of Virginia directed an invasion of the Indian country by the Kentucky militia, but made no provision for supplies. Clark was put in command. The question of supplies was submitted to the Supreme Judges and Attorney General of Kentucky, who gave a written opinion that the officers were authorized to impress what was needed. On the return of the expedition, a council of the Officers was held at Vincennes on October 8, and it was unanimously decided that a garrison should be left at that place, to be supplied "by impressment or otherwise, under the direction of a commissary, to be appointed for that purpose." Captain John Holder was put in command, with 250 infantry and a company of artillery under Captain Dalton. John Rice Jones was made Commissary, and duly impressed goods of Bazadone, a Spanish merchant lately established at Vincennes. The Executive Committee of Virginia repudiated the action, and the parties whose goods were taken recovered from Clark in the courts. Clark felt his treatment keenly. On May 11, 1792, he wrote to his brother, "Why did they not do me the justice at first and enable me to pay for, and take up, those accounts sooner. . . . I shall follow your advice and present another memorial this fall—am now making preparations for it. If I meet with another rebuff I must rest contented

with it, be industrious, and look out further for my future bread." Ten years later he wrote his brother again, "I have lost all prospect of getting my just claims from Virginia. I content myself by viewing their course with contempt."<sup>24</sup> It has been questioned that Clark on receiving a sword from Virginia, broke it, saying, "I asked Virginia for bread, and she sent me a sword." He might truly have said: "I asked Virginia to pay what she owed me, and she sent me a second-hand sword."<sup>25</sup> In 1812, when Clark was paralyzed and in poverty, Virginia sent him another sword, and a pension of \$400 a year. This at least showed an increase of appreciation in thirty years.

Father Gibault, in addition to his personal services, gave an example to his parishioners by accepting paper money to the amount of \$1,500 which became worthless. In addition to that, Archbishop Carroll appointed Rev. Peter Huet de la Valiniere his Vicar-General for the Northwest, in the winter of 1787-8, and on receipt of a letter from Gibault informing him that he had been Vicar-General of the Bishop of Quebec for nineteen years, wrote to Mgr. Hubert, Bishop of Quebec concerning jurisdiction of the Illinois country; and they settled it by Hubert retaining Michigan, and Carroll taking Indiana and Illinois. Gibault, thus dispossessed, retired to Missouri, where he died in poverty at New Madrid in 1804. He was allotted land as other residents of Vincennes, but want caused him to sell his claim before the allotment was made. He asked Governor St. Clair for five acres of land formerly held by the parish priests of Kaskaskia, and St. Clair reported that the claim was just, "but it was not for me to give away the lands of the United States." This suggests one thing that Virginia and the United States might have done. They could have paid these claimants in land. There was plenty of that in the treasury.

But land was the chief prospective public asset, and the Virginia authorities did not favor gifts of it. In March, 1780, writing to Todd of the bad crops and the difficulty of maintaining Fort Jefferson, Clark said: "our only Chance at present to save that Cuntrey is by Incouraging the Families but I am sensible nothing but land will do it I should be Exceedingly Cautious in doing anything that would displease government but their present Interest in Many Respects obvious to us boath, Call so loud for it that I think Sr that you Might even Venture to give a Deed for Forty or fifty Thousand Acres of Land at Said place at the prIEEE that government may demd for it." The French at Vincennes had a more liberal view, and Todd had undertaken to sustain the paper

<sup>24</sup> English's Conquest of the Northwest, pp. 789-90.

<sup>25</sup> Ibid., pp. 871-84.



money by redeeming it with land,<sup>26</sup> but his action was not sustained. Todd went to Kentucky in the winter of 1780-1, and did not return. He was killed at the battle of Blue Licks. At Vincennes the civil government was continued by the militia commandant and the court Todd had established. In June, 1781, the principal inhabitants of Vincennes sent a memorial to the governor of Virginia setting forth substantially the same grievance as in their memorial to Luzerne, but not so severe on the Virginians. As no attention was paid to this or other complaints, they proceeded to administer affairs as they deemed proper, including the grant of lands. When asked by Winthrop Sargent for the source of their authority to grant lands, the members of the Vincennes Court answered, "that since the establishment of the country the commandants have always appeared to be vested with powers to give lands. Their founder, M. Vincennes, began to give concessions, and all his successors have given lands and lots. M. Le Gras was appointed commandant of Post Vincennes by the lieutenant of the county and commander-in-chief, John Todd, who was in the year 1779 sent by the state of Virginia for to regulate the government of the country, and who substituted M. Le Gras with his power. In his absence, M. Le Gras, who was then commandant, assumed that he had in quality of commandant authority to give lands according to the ancient usages of other commanders, and he verbally informed the court of Post Vincennes, that when they should judge it proper to give lands or lots to those who should come into the country to settle, or otherwise, they might do it, and that he gave them permission so to do. These are the reasons that we acted on." The grants were expressly based on "the absolute necessity, not only to the City of Vincennes but to the whole country, that the lands hereabouts should be settled" and "the great quantity of land uncultivated, which has never been settled"; and followed the old feudal form of the grantee's "submitting to all regulations made between a potentate and subject." These grants were not recognized by the United States, but if force had been given to the provision of the Virginia law that the government should be "agreeable to the laws which the present settlers are now accustomed to," the grants should have been sustained, in the absence of evidence of fraud, which there was in some cases. The incongruity of the action, which has often been the subject of comment, is due more to the difficulty of reconciling British and American customs with French customs than to any serious impropriety in the power of granting itself.

<sup>26</sup> Ill. Hist. Coll., Vol. 8, p. cvi.

## CHAPTER V

### THE NORTHWEST TERRITORY

The inadequacy of the national government, both before and under the Articles of Confederation, was very impressive while the Revolutionary War lasted, but it became even more dangerous when peace came. Notwithstanding their jealousies and dissensions, the colonies could not afford to fight among themselves while they were engaged with the common enemy; but when it came to apportioning the fruits of victory this restraint was gone. Fortunately the lessons of the war were too fresh to be forgotten; but even with these in mind, it remains cause for wonder that the colonies worked their way into "a more perfect union." One of the chief sources of friction was the public ownership of the western lands, which rested primarily on the royal charters, but, fortunately again, this was substantially disposed of before the war ended. Virginia's charter had come first, with a specific grant in 1609 of 200 miles north and 200 miles south from Old Point Comfort along the Atlantic coast, and "from Sea to Sea West and Northwest." Although this grant was cut into by subsequent grants of Maryland, the Carolinas, Delaware and Pennsylvania, and was judicially vacated in 1624, Virginia adhered to it in her claim for western lands, which she fortified by Clark's conquest, and her actual occupation. The grant of the Carolinas was also "from sea to sea," and so were those of Massachusetts and Connecticut, which were later divided by the grant of New York; and New York incidentally claimed everything that the Iroquois had claimed. So far as paper titles were concerned, the jurisdiction of the western lands was in hopeless confusion.<sup>1</sup>

The matter was further complicated by private claims, for while the British government had prohibited invasion of the Indian lands, it had recognized some purchases from the Indians by private parties.

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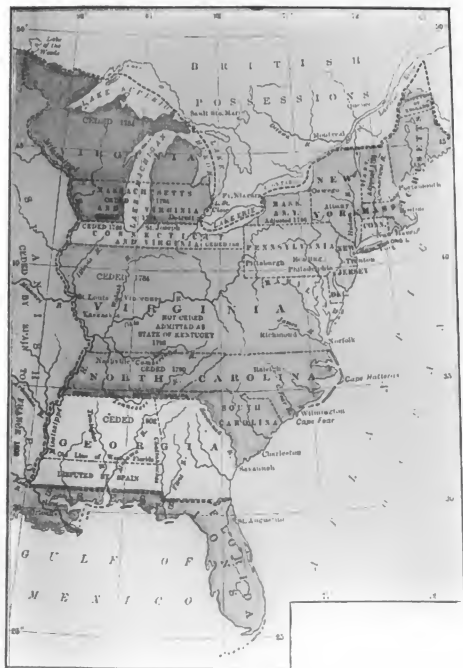
<sup>1</sup> For fuller discussion of this conflict of charters see Hinsdale's *Old Northwest*, pp. 70-146. This valuable work was singularly contemporaneous with my *Indiana*, in the *American Commonwealth Series*, Prof. Hinsdale's introduction being dated March 1, 1888, and mine March 14, 1888; and the books going through the press at the same time. They cover largely the same subjects, but his attention centered on some phases and mine on others.

Moreover enterprising pioneers had gone into the Indian lands, and settled in defiance of royal orders, and in some cases they had been backed by the colonies. Among the principal causes for which George Rogers Clark and Gabriel Jones were sent as delegates from Kentucky to Virginia in 1776, were the conflicts with royal authority and with the claims of the proprietors of the Henderson grant from the Cherokees, as to which their petition says: "And as we further conceive, that as the Proclamation of his Majesty for not settling on the western parts of this Colony, is not founded upon law, it cannot have any force, and if we submit to that Proclamation, and continue not to lay off new counties on the frontiers that they may send representatives to the Convention, it is leaving an opening to the wicked and diabolical designs of the Ministry, as then this immense and fertile country would afford an asylum to those whose principles are inimical to American Liberty. . . . And we cannot but observe how impolitic it would be to suffer such a respectable body of prime riflemen to remain even in a state of neutrality, when at this time a certain set of men from North Carolina, stiling themselves Proprietors, & claiming an absolute right to these very lands, taking upon themselves the Legislative authority, commissioning officers both civil and military, having also opened a Land Office, Surveyors General & deputies appointed and act, conveyances made, and land sold at an exorbitant price, with many other unconstitutional practices, tending to disturb the minds of those who are well-disposed to the wholesome Government of Virginia, and creating factions and divisions amongst ourselves, as we have not hitherto been represented in Convention."<sup>2</sup>

All of these claims were brought before Congress by petition or resolution, for although Congress had no power to coerce a state, each of the states wanted its claims recognized by the general government, and by the other states. Almost from the first, Maryland insisted that Congress be given absolute power over the matter. On October 15, a month before the Articles of Confederation were proposed to the states for ratification, it was moved "that the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the Mississippi or South Sea, and lay out the land beyond the boundary, so ascertained, into separate and independent States, from time to time, as the numbers and circumstances of the people may require"; and Maryland was the only state that voted in the affirmative. Thereafter Maryland stead-

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<sup>2</sup> The ordinary legislature of Virginia was called "the Convention," and numerous writers have been misled as to its character on this account.



COLONIAL CHARTER CLAIMS

ily refused to join in the Articles of Confederation until satisfactory assurance was given as to the western lands, and did not join until March 1, 1781, two years after all the other states had joined, and when a satisfactory solution of the land question appeared to be in sight. As the subject was considered, the necessity for a compromise which involved a surrender of most of the western lands to the Confederation gradually grew plainer. On February 19, 1780, New York led the way by authorizing her delegates in Congress to make either a full or a restricted cession of her claims to the national government. On September 6, of the same year, Congress adopted a report and resolution recommending the states that had claims to make "a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy." On October 10, Connecticut offered to surrender the title to her western lands, provided she retained jurisdiction over them; but on the same day Congress precluded this by a resolution that the ceded lands should be formed into free and independent states, which should be received into the union as the original states. It also included in this a provision, evidently intended as an inducement to Virginia, that Congress would reimburse any state for expenses incurred since the beginning of the war in subduing or defending her western lands. On January 2, 1781, Virginia agreed to cede her lands northwest of the Ohio, on eight conditions, one of which was that her lands south and east of the Ohio should be confirmed to her; and another was that no private purchases from the Indians, or claims inconsistent with Virginia's charter rights should be recognized.

These provisions were rejected by Congress after long consideration, or rather by the committee to which it was referred, for the report was never acted on, though the ground was substantially covered by the report of another committee on September 13, 1783, which was adopted. Virginia then, on October 10, authorized the cession of "the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the north-west of the river Ohio." The deed made in pursuance of this act of Virginia, executed on March 1, 1784, became the first basic law of Indiana as to the conditions imposed by Virginia and accepted by Congress, for although Virginia's title to the lands was questioned, her actual dominion at the time was unquestioned and unquestionable. The Virginia cession was "upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the States so formed shall be distinct republican

States, and admitted members of the Federal Union; having the same rights of sovereignty, freedom, and independence, as the other States.

"That the necessary and reasonable expenses incurred by this State, in subduing any British posts, or in maintaining forts and garrisons within, and for the defense, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskia, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then colonel, now General George Rogers Clark, and to the officers and soldiers of his regiment, who marched with him when the posts of Kaskaskia and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland River, and between the Green River and Tennessee River, which have been reserved by law for the Virginia troops, upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions

in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

This made the way open for preparation for government in the west, for the private land claims had been disposed of by the report of November 3, 1781, although it was not adopted. That of the Indiana Company for some 3,500,000 acres in what is now West Virginia, that had been granted by the Indians, at the treaty of Fort Stanwix, in 1768, to Samuel Wharton, William Trent, George Morgan, and others, Indian traders, in compensation for goods destroyed in the late war, was held good, as made in accordance with the laws and customs of Virginia and New York at the time. This tract was later included in the recognized bounds of Virginia, and left to be disposed of by it. The Vandalia Company's claim was also southeast of the Ohio. It was a company organized chiefly through the influence of Benjamin Franklin, who had been advocating a western colony from before the French and Indian War, and had united with the old Ohio Company, of the Lees, Washingtons and other Virginians. They had secured Walpole, a London banker as president, and had secured a grant of 2,400,000 acres for which patents were about to be issued when the war came on. The committee decided against this claim, but said that the proprietors ought to be reimbursed for their expenses and any payments made. The other two companies claimed lands northwest of the Ohio, and were both in conflict with the Iroquois conquest claims. The Illinois Company, composed of traders at Kaskaskia, in 1773, through Louis Viviat, purchased from several Indian chiefs a large tract on the Illinois river, but the committee found that the land described in the deed "begins on the north side of the Illinois river, and contains only a number of lines without comprehending any land whatever." The Wabash Land Company was the only one whose claim affected what is now Indiana. In 1742 the Indians had granted to the French at Vincennes the lands along the Wabash from the mouth of White River to Pointe Coupee, a distance of about seventy-five miles, and of equal width. In 1775, the Wabash Land Company, of which Gov. Dunmore was a stockholder, bought from the Piankeshaw Indians all the lands along the Wabash, outside of this former Vincennes grant, from the mouth of the river to the mouth of Wildcat Creek, in breadth ninety miles to the west of the river, and one hundred and twenty miles to the east. The consideration for this tract of between thirty-five and forty millions of acres was a few hundred dollars worth of goods. Both of these claims were held void, and they continued to be so held, although efforts were made to have them confirmed until 1810.

On March 1, 1784, the same day on which he signed the Virginia

deed of cession, Thomas Jefferson reported from his committee an ordinance "for the temporary government of the Western Territory." It provided for making ten states of the "territory ceded or to be ceded," lying west and north of the Ohio, divided by parallels of latitude and longitude. The parallels of longitude were to be drawn north from the mouth of the Great Kanawha and from the falls of the Ohio to latitude  $43^{\circ}$  N.; and the parallels of latitude were the ones with odd numbers,



JEFFERSON'S PROPOSED STATES IN NORTHWEST TERRITORY

commencing with parallel 45 at the North. The same system was to be used on the south side of the Ohio, down to parallel 31; but the Ohio was to be substituted for parallel 37 as a boundary. The region north of the Ohio and east of the Kanawha was to be one state, named Washington. That north of parallel 45 and west of the lakes, was to be one state called Sylvania. North of parallel 43 the east state was Chersonesus, and west state Michigania. From 43 to 41 the east state was Metropotamia and the west state Assenisippia. From 41 to 39 the east state was Saratoga and the west state Illinoia. Between parallel 39 and



the Ohio River the east state was Pelisipia and the west state Polypotamia. Indiana would therefore have been divided between the six states last named.<sup>3</sup> This ordinance was recommitted and amended, and finally adopted on April 23, 1784. The amendments took out these names, but left the ten divisions. They also took out Mr. Jefferson's two pet provisions, viz. that none of the new states shall admit any "person to be a citizen who holds any hereditary title"; and the following: "That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said states otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty." This provision, extending to all the western territory, north and south, was the broadest anti-slavery proposal offered by any of our Revolutionary forefathers, and it was lost by only one vote, one of the members from New Jersey being sick, and absent. On April 25 Mr. Jefferson wrote to Madison expressing his chagrin at the loss of this slavery provision, and especially that Virginia had voted against it, owing to the sickness and absence of Monroe. Two years later he wrote: "The voice of a single individual would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn hanging on the tongue of one man, and Heaven was silent in that awful moment! But it is to be hoped it will not always be silent; and the friends to the rights of human nature will in the end prevail."<sup>4</sup>

As adopted, this ordinance did not provide any temporary government, and did not take effect until Congress offered the lands for sale. It provided that the settlers might, on permission from Congress, adopt the constitution and laws of any of the original states; and in the meantime Congress might adopt "measures not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers." When a new state had 20,000 free inhabitants it might adopt a constitution of its own, but it could not be admitted to the United States until it had as many free inhabitants as "the least numerous of the thirteen original States." It is of course to be remembered that the only people at that time who had any legal rights within the northwest territory were those of the French settlement, whose "rights and liberties" had been preserved by the Virginia deed of cession. This ordinance remained in force until 1787, but was amended from time to time. At the time of its passage there was another

<sup>3</sup> The purported maps of this proposed division are often sadly confused; and some locate the western meridian from the mouth of the Wabash, instead of the Falls of the Ohio.

<sup>4</sup> Jefferson's Works, ix, p. 276.

man who was as indignant as Jefferson over the rejection of the anti-slavery clause. This was Colonel Timothy Pickering, a Revolutionary soldier, who in the spring of 1783 had joined an organization of officers who were preparing for a settlement in the western country in such numbers as to anticipate the formation of a new state. The proposals for the company were drawn up by Pickering, and one of them was: "The total exclusion of slavery from the State to form an essential and irrevocable part of the Constitution." The movement was delayed by the withholding of the cessions by the states, but Pickering kept watch of Congress, which had taken up the survey and sale of the western lands after the Virginia cession. On March 8, 1785, he wrote twice to Rufus King, a delegate to Congress from Massachusetts, expressing his regret over the failure of the anti-slavery clause. In the second letter he said: "In looking over the Act of Congress of the 23d of April last, and the present report of an ordinance, relative to these lands, I observe there is no provision made for ministers of the gospel, nor even for schools and academies. The latter might have been brought into view; though after the admission of SLAVERY, it was right to say nothing of Christianity. \* \* \* What pretence (argument there could be none) could be offered for its rejection? I should, indeed, have objected to the period proposed (the year 1800) for the exclusion of slavery; for the admission of it for a day or an hour ought to have been forbidden. It will be infinitely easier to prevent the evil at first than to eradicate or check it at any future time. \* \* \* To suffer the continuance of slaves till they can be gradually emancipated, in States already overrun with them, may be pardonable, because unavoidable without hazarding greater evils; but to introduce them into countries where none now exist—countries which have been talked of, which we have boasted of, as asylums to the oppressed of the earth—can never be forgiven. For God's sake, then, let one more effort be made to prevent so terrible a calamity." On receipt of this, on March 16, Mr. King offered a resolution for the prohibition of slavery, with no time limit, the same to be an article of compact; and this was committed by the vote of Maryland and seven northern states. On April 6 it was reported, but as it now came to men who knew of the existence of slavery among the French settlers, whose rights had been guaranteed, the 1800 time limit was added, and also a fugitive slave clause. No action was taken on the report.

On May 7, 1784, Mr. Jefferson had reported an ordinance for the survey and sale of the public lands, which introduced the rectangular system, all the surveying in the colonies up to that time having been in irregular tracts, except twenty thousand acres in Georgia, which had been

divided into fifty acre lots. Jefferson's townships were to be ten miles square, and to be subdivided into sections one mile square. On May 3, 1785, on motion of Grayson of Virginia, seconded by Monroe, the townships were made six miles square, and on May 20 the ordinance was passed. It provided for the survey and sale of seven ranges west of what is now the eastern boundary line of Ohio, under direction of "the geographer of the United States," who was to "personally attend to the running of the first east and west line." This line was duly run from the point where the east boundary line of Ohio crosses the Ohio river, and became known as "the Geographers line." The Geographer was Thomas Hutchins, who was the authority on the western country at that time. He was born at Monmouth, N. J., in 1730, and entered the British army before sixteen years of age, he became an engineer, and later was commissioned Captain in the 60th Royal American Regiment. He served in Bouquet's expedition, at Fort Pitt, and elsewhere in the West. In 1768-70 his headquarters were at Fort Chartres. In 1779, while at London he was arrested on suspicion of American sympathies and imprisoned for six weeks. He escaped to France, where Benjamin Franklin gave him a letter of introduction to the president of Congress, with which he made his way to Charleston. On May 4, 1781, he was made Geographer of the Southern Army by Congress, the Geographer of the Main Army being Simeon DeWitt. On July 11, 1781, Congress made the title of both of these officials Geographer of the United States, but in 1784 DeWitt became Surveyor General of New York, and Hutchins was left "the Geographer." He was evidently in close touch with this land act, and on May 27 was continued in office for three years, and re-elected on May 26, 1788. He died at Pittsburg, April 28, 1789. Col. Whittlesey has established fairly that Hutchins originated the township and section system of surveys that has since been followed in the United States.<sup>5</sup>

Gen. Benjamin Tupper, an associate of Pickering, Gen. Rufus Putnam and others in the settlement project, came west to aid in the survey, but it was prevented in 1785 by the hostility of the Indians. In the fall of 1785, Gen. Samuel Holden Parsons, another associate, was appointed with George Rogers Clark and Col. Richard Butler to treat with the Indians. They secured the release of the lands in southern Ohio without much objection except from the Shawnees, whose towns were in the district desired. But they were there by sufferance of the other tribes, and were practically given the choice of removal or war, so they accepted

<sup>5</sup> Hicks' edition of Hutchins' Topographical Survey; Hinsdale's *Old Northwest*, p. 262; Tracts 57 and 71, Western Reserve Hist. Soc.

lands between the Wabash and upper part of the Big Miami. The surveys were made in 1786. On January 10, Tupper reached Rutland, Mass., the home of Putnam, and they called a meeting for March 1, of the Ohio Company at the Bunch-of-Grapes Tavern in Boston. The Company had 1,000 shares of \$1,000 each, of which \$10 was paid in coin on each share, and the balance in Continental certificates. Parsons, Putnam, and Dr. Manasseh Cutler were appointed to purchase the lands from Congress, and Parsons went to New York and presented their proposal on May 9. From May 12 to July 4 Congress had no quorum; and

*Article 6th of the Ordinance*  
 While the south there shall be neither slavery  
 nor involuntary servitude in the said territory  
 otherwise than in punishment of crime whereof the  
 party shall have been duly convicted—provided always  
 that any person escaping into the same from  
 whom labor or service is lawfully claimed in any  
 one of the Original States such fugitive may  
 be lawfully reclaimed and conveyed to the  
 person claiming his or her labor or service.

SIXTH ARTICLE OF THE ORDINANCE OF 1787  
 (In the Handwriting of Nathan Dane)

Parsons went home, and turned the purchase over to Dr. Cutler, who reached New York on July 5. On July 9 the ordinance for the government of the northwest territory was referred to a new committee, with Dane and Smith of the old committee, and Edward Carrington and Richard Henry Lee of Virginia, and John Kean of South Carolina as new members. Up to this time the ordinance considered was a mere outline of temporary government, commonly known as Monroe's plan. It was submitted to Cutler, who suggested some amendments, and then went on to Philadelphia, and did not return until the 17th. The new ordinance was reported on the 11th and passed on the 13th by a vote of

all the members present except Abraham Yates of New York. Thus, the celebrated Ordinance of 1787, was framed and passed in four days, but of matter that had been under consideration for four years. The first and fullest history of its passage is in a letter of Nathan Dane to Rufus King, on July 16, 1787, in which he says:

"We have been much engaged in business for ten or twelve days past, for a part of which we have had eight states. There appears to be a disposition to do business, and the arrival of R. H. Lee is of considerable importance. I think his character serves, at least in some degree, to check the effects of the feeble habits and lax mode of thinking of some of his countrymen. We have been employed about several objects—the principal of which have been the Government inclosed (the Ordinance) and the Ohio purchase; the former you will see, is completed, and the latter will probably be completed to-morrow. We tried one day to patch up M(onroe)s system of W. government—started new ideas and committed the whole to Carrington, Dane, R. H. Lee, Smith and Kean. We met several times, and at last agreed on some principles—at least Lee, Smith and myself. We found ourselves rather pressed. The Ohio company appeared to purchase a large tract of federal lands—about six or seven millions of acres—and we wanted to abolish the old system and get a better one for the government of the country, and we finally found it necessary to adopt the best system we could get. All agreed finally to the enclosed plan, except A. Yates. He appeared in this case, as in most others, not to understand the subject at all. . . . When I drew the ordinance (which passed, a few words excepted, as I originally formed it) I had no idea the States would agree to the sixth article, prohibiting slavery, as only Massachusetts, of the Eastern States, was present, and therefore omitted it in the draft; but finding the House favorably disposed on this subject, after we had completed the other parts, I moved the article which was agreed to without opposition."

That Dane drafted the ordinance and introduced the slavery section is unquestioned. He stated elsewhere that he did not claim originality except as to the provision against impairing the obligation of contracts, fair treatment to the Indians, and minor matters.<sup>6</sup> The system of temporary government by the Governor and Judges, with gradual advance is Monroe's plan. The Articles of Compact, which are the constitutional features that give the Ordinance its greatest merit, are a revival of Jefferson's original idea, but much enlarged. All of his articles are included in the fourth article of the Ordinance of 1787, together with one

<sup>6</sup> Dane's Abridgement, Vol. 7, pp. 389-90; Proceedings Mass. Hist. Soc. 1867-9, p. 479; Ind. Hist. Soc. Pubs., Vol. 1, Letter to Farnham.

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other that will probably prove of more importance than all the rest, if the people of the region are awake to their public interests. It is this: "The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor." This had been adopted as an amendment on May 12, 1786, on motion of Grayson, seconded by King.<sup>7</sup> The fifth article was also proposed by Grayson on July 7, 1786, and Virginia was requested to modify her deed of cession to allow the reduction in the number of states.<sup>8</sup> The third article was probably due to a suggestion from Cutler, though the land ordinance of 1785 had provided for the reservation of section 16 in each township "for the maintenance of public schools." The first and second articles are probably due to Lee, as they are in line with his special ideas, and are entirely new to the work on the ordinance. Of all the men connected with the Ordinance, his influence in the recasting of it has probably been most underrated. He was easily the ablest man on the committee. He was the only new member who took an active interest in the work. In seeking the man who "started new ideas," as Dane puts it, this man who moved the Declaration of Independence, and who first pronounced Washington "first in war, first in peace, first in the hearts of his countrymen," is not to be overlooked. Writing to Washington on July 15, and inclosing a copy of the Ordinance, Lee says: "It seemed necessary, for the security of property among uninformed, and, perhaps, licentious people, as the greater part of those who go there are, that a strong-toned Government should exist, and the rights of property be clearly defined."

With the Ordinance adopted, it took Cutler ten days to make his purchase, and when he got through, he had purchased 1,500,000 acres for the Ohio Company, and 3,500,000 acres "for a private speculation, in which many of the principal characters of America are concerned"; and had pledged himself to Gen. St. Clair for Governor, Winthrop Sargent for Secretary, and Parsons for first judge. On the advice of Tupper and Geographer Hutchins, the Ohio Company lands were located on the Muskingum, but on account of failure of payment, only 1,064,285 acres were patented to it. No time was lost in beginning the settlement. On December 3, 1787, two hours before day, the first company of pioneers assembled at Dr. Cutler's house at Ipswich, in the northeast corner of

<sup>7</sup> Journal, Vol. 4, p. 637.

<sup>8</sup> Journal, Vol. 4, p. 662-3.

Massachusetts, for the start. Probably no body of emigrants started out so impressed with the idea that they were going to found a state—at points one might almost think they were staging a pageant. After listening to a discourse from Cutler, and firing a salvo of three volleys, they started off on foot, preceded by a wagon covered with black canvas, on which Cutler himself had put, in white letters, "FOR THE OHIO." The party, under command of Major Haffield White, made its way slowly through Massachusetts, New York, New Jersey and Pennsylvania to the mouth of the Youghiogeny, where they were joined on February 14 by a second party from Connecticut, under Gen. Rufus Putnam.



START OF FIRST OHIO COMPANY COLONY FROM IPSWICH, DEC. 3, 1787  
(From an old cut)

Here they stopped to build boats, and started down the river on April 1, the fleet consisting, according to Putnam, of "the Union galley of forty-five tons burden," "the Adelpia Ferry-boat, burden three tons" and "three log canoes of different sizes." On April 7, Gen. Putnam stepped ashore at the mouth of the Muskingum, followed by his forty-seven comrades, to begin the building of the new capital of Northwest Territory. They made a large stockade, which, as classical scholars, they called The Campus Martius; and as good Federalists, which they were, they called the new town Marietta, for Marie Antoinette. So came to the west the new influence which dominated Indiana for the next twelve years.

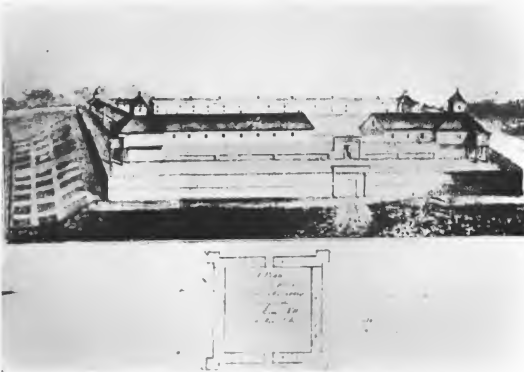
There was no immediate effect on Indiana. Gov. St. Clair did not arrive until July 9, when he was received at Marietta with civic and

military honors, Fort Harmar being located at that place. His formal "entry" was on the 15th, when addresses were delivered at "the bower"; and on September 2 the Judges were inaugurated with still more impressive ceremonies. Winthrop Sargent, the Secretary, accompanied the Governor. The Judges who qualified were Samuel Holden Parsons, James Mitchell Varnum, and John Cleves Symmes. On July 27 Gov. St. Clair proclaimed the organization of Washington County, embracing all of Ohio east of the Scioto, and this was the only county organized until 1790. From August to December the Governor and Judges adopted a number of civil and penal laws, in which they ignored the Ordinance so carefully prepared for them. It authorized only their adoption of laws from some of the states of the Union, but these were not found convenient, and so the Judges made laws to suit themselves, the Governor remonstrating. Congress neither approved nor condemned the laws, and so they were enforced in Washington County. With the adoption of the new constitution of the United States, the appointments expired; and on August 20, 1789, all of these officials were reappointed except that Judge Varnum was replaced by George Turner. Judge Parsons was drowned in 1789, and in March, 1790, Rufus Putnam was appointed in his place. Putnam resigned in 1796 to accept the office of Surveyor General, and Joseph Gillman was appointed in his stead. Judge Turner was the next to resign, and his place was filled by Return Jonathan Meigs in February, 1798. Some of these earliest laws seem odd now. The militia were required to parade, armed and accoutred, on Sunday mornings at 10 o'clock, adjacent to the places "assigned for worship." Pillories, stocks and whipping posts were provided for, and were actually used for both men and women. Disobedient children and servants were to be confined until "they shall humble themselves to the said parent's or master's satisfaction." Imprisonment for debt was provided, and, for debts of less than \$5, it could be inflicted by justices of the peace, with no appeal. Drunkenness was finable fifty cents for the first offense, and a dollar thereafter. Profanity was not penalized, but the law admonished all to abstain from and discourage it, to "prevent the necessity of adopting and publishing laws upon this head." Marriage was required to be preceded by publishing the banns for three Sundays at worship, or posting notice under the hand and seal of a judge in some public place, or special license from the governor.

But while Washington County was thus launched on a New England basis, the rest of the Territory got along as it could. Judge Symmes had purchased a large tract between the two Miamis, and in November, 1788, a party under Major Benjamin Stites founded the town of Columbia at the mouth of the Little Miami. On December 24, 1788, a party under



Matthias Denman located at Cincinnati, which they called Losantiville—i.e., L(icking) os(mouth) anti(opposite) ville(town). A third party, under Judge Symmes, located at North Bend in February, 1789. The people of these settlements formed a committee of safety, appointed Mr. McMillan judge and John Ludlow sheriff, and proceeded to enforce justice by giving one man twenty-nine lashes for robbing a truck-patch, and similar corrective acts. They got into a row with the military authorities, however,



"CAMPUS MARTIUS"

(Ohio Company's fort at Marietta—from drawing by  
Gen. Rufus Putnam)

and the situation was happily relieved by the organization of a court by the Territorial authorities.<sup>9</sup> Vincennes had returned to its golden age of military rule. On April 24, 1787, on a report from the Secretary of War on a letter from Major Wylls, Congress had resolved: "That the secretary of war direct the commanding officer of the troops of the United States on the Ohio, to take immediate and efficient measures for disposing a body of men, who have, in a lawless and unauthorized manner, taken

<sup>9</sup> Burnet's Notes, p. 57.

possession of post St. Vincents, in defiance of the proclamation and authority of the United States, and that he employ the whole, or such part of the force under his command, as he shall judge necessary to effect the object." In pursuance of this, Gen. Josiah Harmar came to Vincennes on July 19, 1787, and not only ended the Kentucky military occupation but also made Major John F. Hamtramck Commandant, and in the absence of other authority, he remained the Czar of Vincennes for three years.

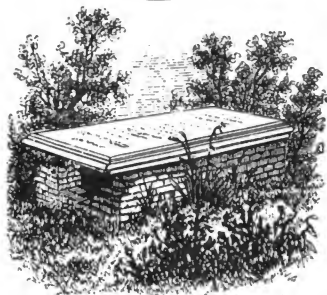
Hamtramck was a native of Quebec, whither his father, Charles David Hamtrench, a German perruquier, nick-named L'Allemand, came in 1749, and, on November 26, 1753, married Marie-Anne Bertin. He was a native of Luxembourg. Their second child, Jean Francois, was christened August 16, 1756. He sympathized with the Americans, and in 1776 joined Montgomery's army at the siege of Quebec. He was made a captain in the First U. S. Regiment in 1785, and Major the year following. When Harmar came to Vincennes in 1787, he marched across from the mouth of Pigeon Creek with most of his command, and Hamtramck was sent around by the Wabash, with one hundred men, with the boats and supplies. Understanding the French language, and the Canadian character, he was an ideal Commandant, and his qualities caused him to be put in command at Fort Wayne in 1794, and at Detroit in 1796. His moral and disciplinary views may be judged from the following extract from a letter by him to Gen. Wayne on December 5, 1794, from Fort Wayne: "It is with a great degree of mortification that I am obliged to inform your excellency of the great propensity many of the soldiers have to larceny. I have flogged them till I am tired. The economic allowance of one hundred lashes, allowed by the government, does not appear a sufficient inducement for a rascal to act the part of an honest man. I have now a number in confinement and in irons for having stolen four quarters of beef on the night of the 3rd. instant. I could wish them to be tried by a general court martial, in order to make an example of some of them. I shall keep them confined until the pleasure of your excellency is known."<sup>10</sup> This does not mean that Hamtramck was hard-hearted, but merely that he realized that a system of government that did not produce results was not efficient. He knew that Virginia had reserved to the French inhabitants their ancient laws and customs, and he ruled at Vincennes just as *Sieur de Vincennes* and *St. Ange* had ruled. It was an administration of the French colonial system, under American auspices.

One of his first acts was to issue a proclamation, on October 3, 1787, prohibiting the sale of intoxicating liquors to the Indians. On May 10, 1789, the inhabitants having by resolution informed him that unauthorized

<sup>10</sup> Mich. Pion. and Hist. Coll., Vol. 34, p. 734.

use was being made of the commons, and having asked that fifty yards square be set off for the separate use of each family, he issued a proclamation reading: "In consequence of a request presented to me, all persons are expressly prohibited (under the penalty of a fine for the first trespass and imprisonment for the second) from cultivating any lot or piece of ground on the commons, or occupying any part thereof, without regular permission." On March 24, 1790, he proclaimed the following "ordi-

*J. H. Hamtramck*



HAMTRAMCK'S TOMB

(In grounds of St. Anne's Orphanage and Church, Detroit)

nance": "Many persons having sold their goods and lands, to the prejudice of their creditors, the inhabitants and others of the district of Post Vincennes, are expressly prohibited, henceforth, from selling, or exchanging, or mortgaging, any part of their goods, lands, or slaves, under any pretext, without express permission from the officer commanding at this place. This ordinance to remain in force until the arrival of his excellency, the governor." This last was issued when the Governor was expected to arrive soon. There was not a little awaiting the arrival of

the Governor, who was so absorbed in Ohio politics that he had entirely neglected Indiana and Illinois. Early in 1788 Hamtramck had abolished the Grand Court of Vincennes, and on April 3, he wrote to Harmar recounting the irregularities of that judicial tribunal, and adding: "In consequence of which I have dissolved the old court, and ordered new magistrates to be elected, and established a few regulations for them to go by, a copy of which I have the honor to enclose. My code of laws will, no doubt, make you laugh, but I hope you will consider that I am neither a lawyer or a legislator."<sup>11</sup> Possibly this was one of the indications of levity, which made President Washington, on being informed that Hamtramck was to make a treaty with the Wabash Indians, express a regret that some "more dignified character than Major Hamtramck" had not been selected. On the other hand the Father of his Country may have referred to Hamtramck's personal appearance, which was not impressive. He was short in stature, and was so awkward-looking that he was sometimes called "the Frog on Horseback"—an expression, by the way, which has rather an Indian flavor. But at any rate, his court and his code of laws worked very well in Vincennes, until they struck a snag in the red-eyed law, as administered in Kentucky. On November 11, 1789, he wrote to Harmar: "It is high time that Government should take place in this country, & if it should happen that the Governor was not to come, nor any of the Judges, I would beg (for the sake of the people) that his Excellency would give me certain powers to create magistrates, a sheriff & other officers for the purpose of establishing courts of Justice, for, at present, there are none, owing to the daily expectation of the arrival of the Governor. Those that had been appointed by the people last year, their authority has been refused in the courts of Kentucky, they declaring that by the resolve of Congress, neither the people of Vincennes, or the Commanding Officer, had a right to appoint magistrates; that the power was vested in the Governor only, & that it was an usurped authority. You see, Sir, how much to the prejudice of the people their present situation is, & how necessary it is that some steps should be taken to relieve them.

"The powers of the magistrates may be circumscribed as his Excellency may think proper, but the necessity of having such characters will appear when I assure you that at present no person here can administer an oath which will be considered legal in the courts of Kentucky—and for the reasons above mentioned."

The complaint of neglect was not confined to Vincennes. With this letter, Hamtramck inclosed one from John Edgar, in which he complains of the lawlessness in his vicinity, especially by Indians from the Spanish,

<sup>11</sup> Ill. Hist. Coll., Vol. 5, p. 507, note; Draper mss. 1W 385.

side of the Mississippi, and says: "I have waited five years in hopes of a Government; I shall wait until March, as I may be able to withstand them in the winter season, but if no succour nor government should then arrive, I shall be compelled to abandon the country, & shall go to live at St. Louis. Inclination, interest & love for the country prompt me to reside here, but when in so doing it is ten to one but both my life & property will fall a sacrifice, you nor any impartial mind can blame me for the part I shall take." <sup>12</sup>

In 1788 Congress had adopted resolutions for confirming the land titles of the French settlers, and had also voted four hundred acres to each head of a family. Nothing was done, however, by the Territorial authorities. On October 6, 1789, President Washington wrote to St. Clair, giving instructions as to treating with the Indians, who were becoming troublesome, and added: "You will also proceed as soon as you can with safety, to execute the orders of the late Congress, respecting the inhabitants at Post Vincennes, and at the Kaskaskias, and the other villages on the Mississippi. It is a circumstance of some importance that the said inhabitants should, as soon as possible, possess the lands to which they are entitled, by some known and fixed principles." Under this inspiration the Governor and Judges finally decided to make a progress to their western dominions, and got started late in December. On January 2, 1790, at Losantiville, St. Clair established Hamilton County, of the lands between the Miamis; and also induced the proprietors of the town to change its name to Cincinnati. They stopped for a couple of weeks at the Falls and then went on to Kaskaskia, where on April 27 the Governor established St. Clair County, including all of Illinois south of the Illinois River and west of Fort Massac. On June 11, on account of Indian hostilities, St. Clair started back to Marietta, deputing Sargent to act in his stead. Sargent, with Judges Symmes and Turner, then proceeded to Vincennes, and this first appearance of the Territorial government at Vincennes was welcomed with almost as much ceremony as at Marietta, but it was French ceremony. The "magistrates" and militia officers presented an address on behalf of the inhabitants, as follows:

"Vincennes, July 23, 1790.

"To the honorable Winthrop Sargent, esquire, secretary of the territory of the United States northwest of the river Ohio, and now vested with all the powers of governor and commander-in-chief thereof:

"The citizens of the town of Vincennes approach you, sir, to express as well their personal respect for your honor, as their full approbation of the measures you have been pleased to pursue in regard to their govern-

<sup>12</sup> Ill. Hist. Coll., Vol. 5, pp. 512-14.

ment, and the adjustment of their claims, as inhabitants of the territory over which you at present preside. While we deem it a singular blessing to behold the principles of free government unfolding among us, we cherish the pleasing reflection that our posterity will also have cause to rejoice at the political change now originating. A free and efficient government, wisely administered, and fostered under the protecting wings of an august union of States, can not fail to render the citizens of this wide extended territory securely happy in the possession of every public blessing.

"We can not take leave sir, without offering to your notice a tribute of gratitude and esteem, which every citizen of Vincennes conceives he owes to the merits of an officer (Major Hamtramck) who has long commanded at this post. The unsettled situation of things, for a series of years previous to this gentleman's arrival, tended in many instances to derange, and in others to suspend, the operations of those municipal customs by which the citizens of this town were used to be governed. They were in the habit of submitting the superintendence of their civil regulations to the officer who happened to command the troops posted among them. Hence, in the course of the late war, and from the frequent change of masters, they labored under heavy and various grievances. But the judicious and humane attention paid by Major Hamtramck, during his whole command, to the rights and feelings of every individual craving his interposition, demands, and will always receive, our warmest acknowledgements.

"We beg you, sir, to assure the supreme authority of the United States of our fidelity and attachment; and that our greatest ambition is to deserve its fostering care, by acting the part of good citizens.

"By order, and on behalf, of the citizens of Vincennes."

It took two days for Sargent to rise to the emergency, but he did so then in the following reply:

"Vincennes, July 25th. 1790.

"Gentlemen: Next to that happiness which I derive from a consciousness of endeavoring to merit the approbation of the sovereign authority of the United States by a faithful discharge of the important trusts committed to me, is the grateful plaudit of the respectable citizens of this territory: and be assured, gentlemen, that I receive it from the town of Vincennes, upon this occasion, with singular satisfaction.

"In an event so interesting and important to every individual as is the organization of civil government, I regret exceedingly that you have been deprived of the wisdom of our worthy governor. His extensive abilities, and long experience in the honorable walks of public life, might

have more perfectly established that system which promises to you and posterity such political blessings. It is certain, gentlemen, that the government of the United States is most congenial to the dignity of human nature, and the best possible palladium for the lives and property of mankind. The services of Major Hamtramck to the public, and his humane attention to the citizens while in command here, have been highly meritorious; and it is with great pleasure that I have officially expressed to him my full approbation thereof.

"Your dutiful sentiments of fidelity and attachment to the general government of the United States, shall be faithfully transmitted to their august president.

"With the warmest wishes for the prosperity and welfare of Vincennes, I have the honor to be, gentlemen,

"Your most obedient, humble servant,

"WINTHROP SARGENT."

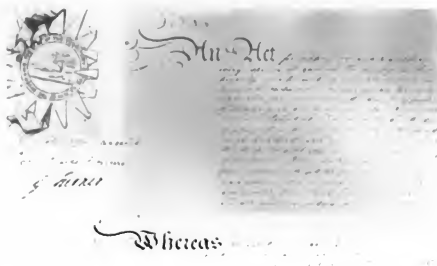
The people had occasion to be in an especially grateful frame of mind towards Hamtramck, for he had just performed a great service to them. Their corn crop of the preceding year had been completely destroyed by frost, and information of this having come to St. Clair, he had written to Hamtramck from Fort Steuben (at Jeffersonville) on January 23, 1790: "It is with great pain that I have heard of the scarcity of corn which reigns in the settlements about the Post. I hope it has been exaggerated; but it is represented to me that, unless a supply of that article can be sent forward, the people must actually starve. Corn can be had here in any quantity; but can the people pay for it? I entreat you to inquire into that matter, and if you find they can not do without it, write to the contractor's agent here, to whom I will give orders to send forward such quantity as you may find to be absolutely necessary. They must pay for what they can of it; but they must not be suffered to perish; and though I have no direct authority from the government for this purpose, I must take it upon myself."

To this Hamtramck replied on March 19: "I have this day sent a boat to the Falls for 800 bushels of corn, which I shall deliver to the people of the village, who are in a starving condition; so much so that on the 16th instant a woman, a boy of about thirteen, and a girl of about seven years were driven to the woods by hunger, and poisoned themselves by eating some wild roots, and have died of it."<sup>12</sup>

While Sargent and the Judges were at Vincennes, they adopted three laws; one prohibiting the sale of liquor to the Indians; one prohibiting

<sup>12</sup> St. Clair Papers, Vol. 2, pp. 131-2, note.

the sale of liquor to soldiers; and one "prohibiting every species of gaming for money or other property." The last two were regarded as infringements on "personal rights" by most of the people then residing in Indiana; but more serious trouble was at hand. The Indians were becoming very troublesome. There had been more or less of hostilities between the Indians and the whites ever since the close of the Revolutionary war, but it had been due chiefly to the lawlessness of individuals rather than to any formal warfare. In July, 1790, Judge Innes wrote to the War Department the statement that since 1783 "more than fifteen hundred persons had been killed and taken prisoners by the Indians—



ANTI-GAMBLING LAW—ADOPTED AT VINCENNES, AUG. 4, 1790; TOOK  
EFFECT JAN. 1, 1791

that upwards of twenty thousand horses had been taken and carried off, with other property, consisting of money, merchandise, household goods, wearing apparel, etc., of great value." St. Clair had been instructed to use every means to conciliate the Indians, but also to extinguish as soon as possible the Indian title as far west as the Mississippi, and as far north as parallel forty-one. This was exactly what the Indians did not want. St. Clair summoned them to a treaty at Fort Harmar on January 9, 1789; but very few came, and he proceeded to treat with thirty-one that did come, who were supposed to represent six of the principal western tribes, and who confirmed the cessions made previously at Fort McIntosh. But the tribes utterly repudiated this treaty, saying that signers were not even chiefs—which was very true. There was an

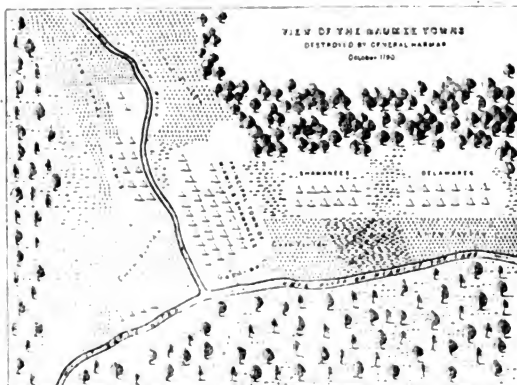


immediate increase of depredations, the situation growing worse through 1789 and 1790. In the spring of 1790 Major Hamtramck sent Antoine Gamelin up the Wabash with speeches from Governor St. Clair to the various tribes. He received scant satisfaction. It was evident that the Indians were receiving aid and encouragement from the British, who still held Detroit and other points on the lakes. The only course open was to punish the Indians, and for this purpose an expedition was prepared under command of Gen. Harmar.

On September 30, 1790, he left Fort Washington (at Cincinnati) with 1,453 men, of whom 320 were regulars, and the remainder militia and volunteers from Kentucky, Pennsylvania and Virginia. The irregulars included many boys and old men; they were poorly armed and equipped; and there was the insubordination among them that commonly characterized frontier troops. They reached Kikiungi (Fort Wayne) and found it recently deserted. On October 18, Col. Trotter, of the militia was sent out with 300 men to look for the Indians but returned without finding more than two. There was rivalry between Trotter and Col. Hardin, and the latter asked to go out with the same command on the 19th. He led his men into an ambush; all of the militia but nine ran away; and Hardin got back with a loss of all but half-a-dozen of his regulars, and a number of the militia. After destroying a large amount of crops on the 20th and 21st, Harmar was asked by Hardin for permission to go back with a detachment of militia picked by himself, and surprise the Indians, who he thought would return to their village as soon as the troops left. Harmar finally consented, and Hardin went back with four hundred men. They found the Indians, but the militia officers were decoyed into separating their commands by Indians apparently in flight, and then met a general attack in which the militia again fled and the regulars were almost exterminated. Hardin wanted Harmar to go back with the entire army, but he declined, as he was short of supplies, and the militia were now completely demoralized. The army had destroyed five villages, over 20,000 bushels of corn, and large quantities of beans, pumpkins, hay, and other Indian property; but they had lost 183 killed and 31 wounded, and had left the belief with the Indians that they had driven the Americans back. As to this fighting, the Americans at the time, and our writers since then, have failed to credit the result as largely as they should to the Indian leadership. The Little Turtle was in command. When the troops first reached Kikiungi, the warriors were absent on their fall hunt, and in the first day's fighting The Little Turtle was able to get only one hundred of them together; but they came in rapidly, and on the last day his forces were equal to the enemy. But while the whites did not understand his ability, he had

gained a reputation with the Indians that made a new era in Indian warfare.

The necessity of getting food to replace what had been destroyed, and the desire for revenge, made the Indian hostilities worse than before. In response to appeals for protection, Congress authorized another regiment to be raised, bringing the standing army up to three thousand men, and Virginia directed an expedition from Kentucky under Brig. Gen.



SITE OF FORT WAYNE IN 1790

(From drawing by Major Denny, with Harmar's forces)

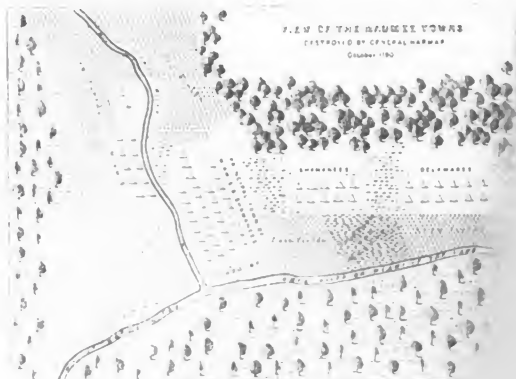
Charles Scott. Scott marched for the Wabash towns on May 23, with some eight hundred mounted men. He reached Wea Prairie on June 1, sent detachments to attack small villages, and pressed on with his main force to the main village of Ouiatanon, on the banks of the Wabash. His advance reached it in time to destroy five canoe loads of Indians, the last to try to cross the river to the Kickapoo town on the north side. The Wabash was flooded by recent rains, and some time was lost before troops could get across and take the Kickapoo town. On the evening of the 2nd Lt. Col. Wilkinson was sent with 360 men to destroy the town

known as Kethtipecanunk, at the mouth of the Tippecanoe River, which he accomplished. Of this place Scott says: "Many of the inhabitants of this village were French, and lived in a state of civilization. By the books, letters, and other documents found there, it is evident that place was in close connection with, and dependent on, Detroit. A large quantity of corn, a variety of household goods, peltry, and other articles, were burned with this village, which consisted of about seventy houses, many of them well finished." On June 4, having destroyed all the crops found, Scott started on his return, and reached the Falls on the 14th "without the loss of a single man by the enemy, and five only wounded; having killed thirty-two, chiefly warriors of size and figure, and taken fifty-eight prisoners." Sixteen of the older prisoners were released, with warning letters to the other Indians. The remainder were taken to the Falls, and held until their tribes made peace, which proved a very efficacious mode of procedure.

Governor St. Clair was put in command of the main expedition, which was to move from Fort Washington in the fall. On August 1, a force of 525 men under Brig. Gen. James Wilkinson was started for another attack on the Wabash towns. They struck the Eel River town, Kinapikwomakwa, on the 7th. Having destroyed it, and the crops which had been replanted at Ouiatanon and Kethtipecanunk, and also destroyed a Kickapoo town of thirty houses, west of Ouiatanon, Wilkinson returned, reaching the Falls on the 21st. The Indians were taking note of St. Clair's preparations, and decided not to wait for another destruction of their crops. St. Clair's advance moved twenty-five miles northward in September, and built Fort Hamilton. On October 4, it advanced forty-two miles, and built Fort Jefferson. On October 24 the army moved forward, and on November 3 reached the headwaters of the Wabash where Fort Recovery was afterwards built. The Indians also were moving. By the efforts of The Little Turtle, Pachganteihilas, the great Delaware war chief, Blue Jacket the Shawnee chief, and others, 1,400 warriors had been gathered on the prairie south of Kikiungi in the latter part of October. There was some dissension as to who should have the chief command, but it was awarded to The Little Turtle. He organized his forces by dividing them into squads or messes of twenty each, and each squad into five bands of four each, who acted as hunters for the mess one day each in rotation. These hunters were to bring in at noon whatever game they killed, and so the army was supplied. They marched to meet the advancing enemy. On the night of November 3 they crept close in about St. Clair's camp, and prepared for attack. They watched the soldiers parade at daylight, and as they dispersed for breakfast, about six o'clock, The Little Turtle gave the signal for attack. The

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FIGURE 1

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Indians kept under cover, and maintained a continuous and murderous rifle fire. The troops were put in position, and fired ineffectual volleys at their concealed foes. Repeated bayonet charges were made, but the Indians simply fell back before them, while others poured a deadly fire into the flanks of the charging squadrons. The Indians made special targets of officers and artillerymen. By half past eight the army was helpless. The artillery was silenced. Most of the officers were dead, and those remaining saw that the only hope was in retreat. A charge opened the way to the road, and the militia made their way out, followed by the regulars. Everything was abandoned. The retreat became a rout, and although the Indians pursued for only about four miles, it continued until Fort Jefferson was reached, after sunset.

This was the greatest defeat ever inflicted on American troops by Indians. The Little Turtle had beaten a force superior to his own, probably fifty per cent. greater, on their own ground, with a loss of 37 officers and 593 men killed, and 31 officers and 242 men wounded. He had captured all their artillery, camp equipage and supplies, valued at \$32,800, with much private property. He had stopped for the time being the invasion of his country. War parties soon appeared all along the frontiers, and many of the settlements not adjacent to the forts were abandoned. St. Clair resigned his position as Major General. President Washington asked Congress for three more regiments of infantry and a squadron of horse. There was opposition on account of the poverty of the nation, and it was even proposed to abandon the Northwest Territory, but that received little favor. Congress provided for an army of 5,000 men, and "Mad Anthony" Wayne was put in command. Commissioners were appointed to try to settle the matter peaceably, who made their way to the Indians through Canada; but the Indians refused any terms but withdrawal from the lands north of the Ohio.

Wayne came to Pittsburg in June, 1792, and began organizing his army. It was a slow and difficult task. Drills were incessant, and courts martial were almost as common as police courts are now. His *Orderly Book* presents the most remarkable record of discipline that was ever given to an American army.<sup>14</sup> The chief offenses punished were products of the personal independence of the frontiersmen, mutiny, disrespect to officers and desertion. Punishments were severe. The limit of one hundred lashes was frequently administered before the army on parade. Like Hamtramck, Wayne found this insufficient, and tried dividing the hundred lashes through four successive days, and using a cat of wires. This did not suffice to stop desertion, and a number of offenders were

<sup>14</sup> It is given in full in Mich. Pion. and Hist. Coll., Vol. 34, pp. 341-733.

shot before the army, and several were hanged. In the effort to improve marksmanship, rivalry was encouraged between the riflemen and the infantry, though the latter were instructed to rely chiefly on the bayonet. Orders were given to "award as a bounty one Gill of Whiskey to the best shot, or marksman, and a half Gill to the Second best of the Infantry and a like quantity to the first and Second best of the Riflemen. Provided always that should the Infantrys shott be better than those of the rifle, then the Riflemen shall forfeit any claim to bounty for that days practice." The dragoons were taught to rely on the sabre. In the spring



THE BATTLE OF THE FALLEN TIMBERS  
(From a painting)

of 1793 Wayne moved down the river to Fort Washington, and camped just below Cincinnati at Hobson's Choice.<sup>15</sup> Here the same process of discipline was continued until October 7, except that there appeared to be more opportunity for getting liquor, and punishment for drunkenness became more frequent. The treaty commissioners were put off by the Indians until August, and then returned hopeless. Meanwhile it had been learned that Major Trueman and Col. Hardin, who had been sent from Fort Washington with peace talks for the Indians, had been taken and murdered by them. Wayne advanced beyond Fort Jefferson by October 23, with 2,600 regulars, and 400 auxiliaries, in guides and

<sup>15</sup> The troops tried to cross the river, but on account of flood could do so only at this place, which consequently was Hobson's choice, i. e., "that or nothing."

mounted volunteers from Kentucky. The main body of volunteers had not arrived; the army was largely incapacitated by an epidemic of influenza; and it was too late in the season for an effective campaign; so Wayne sent the volunteers back and wintered at the forts, constructing Fort Greenville and Fort Recovery. These moves disquieted the hostile Indians, who had not been able to find an opening for attack on Wayne's army, their only success being the capture of a wagon train on October 17. Some of them sent a message to Wayne expressing a desire to make peace, but they evaded his proposals, and if their intentions were ever sincere, they were changed by a new complication.

In 1793 the French Revolution was holding the attention of the world, and the French Minister Plenipotentiary, Genet, was holding the attention of the United States by his extraordinary assumptions of power and open criticism of the President for not joining France in a war on England. The people of the west were not nearly so much shocked by the bloody work of the guillotine as they were by the massacre of their wives and children by the allies of England. Genet easily induced numbers of western men to join in his scheme for an attack on the Spanish settlements on the Mississippi, and when President Washington called on Governor Shelby of Kentucky, to take measures to prevent it, the latter flatly answered that he had "little inclination to take an active part in punishing or restraining any of my fellow citizens for a supposed intention, only to gratify or remove the fears of the minister to a prince, who openly withholds from us an invaluable right, and who secretly instigates against us a most savage and cruel enemy." So tense was the feeling that on February 10, 1794, at Quebec, Lord Dorchester, the Governor General, told a delegation of Indians, "he should not be surprised if Great Britain and the United States were at war in the course of a year." Early in the spring, a messenger came to the hostile Indians at the rapids of the Maumee, from the Spanish settlements on the Mississippi, with an offer of assistance from them. In April, three companies of British soldiers were sent from Detroit and built a fort at the rapids of the Maumee. These conditions determined the Indians to accept the arbitrament of war. It may also be noted in passing that they were the chief cause of the rapid spread of anti-Federalist sentiment in the West.

On June 30 The Little Turtle approached Fort Recovery with a force of 1,500 men, part of whom were whites in disguise, expecting to find the cannon taken from St. Clair, and use them against the fort; but the Americans had found them, and they were mounted in the fort. But they intercepted a convoy of ninety riflemen and fifty dragoons who were returning to the fort, and overwhelmed them, killing five officers and



seventeen men, and wounding thirty, besides killing and wounding eighty-one horses and capturing 204. They then attacked the fort for about twenty-four hours, but finding that their rifles had no effect they withdrew. A division arose among them. A part wished to attack Wayne's army. The Little Turtle opposed this, saying that it was useless to try to surprise "a chief who always slept with one eye open," and that he was too strong to fight in the open. He urged that they get between him and the settlements, cut off his convoys, and leave him stranded in the wilderness. He was overruled, and even accused of cowardice. On July 26, Gen. Scott arrived at Greenville with 1,600 mounted volunteers from Kentucky; and on the 28th Wayne advanced. Twenty-four miles north of Fort Recovery he built a small fort on the St. Mary's River, and advanced again on August 4. On the 8th he reached the mouth of the Auglaize, and here built Fort Defiance. From here he sent a last message to the Indians, advising them to come in and make peace. The messenger returned on the sixteenth, with a request for a delay of ten days; but Wayne had started for the foot of the rapids on the 15th. At that point he erected a light stockade for his stores and baggage, and on the 20th advanced in order of battle. Five miles out, in a tangle of fallen timber, caused by a tornado, more than 1,400 Indians with 70 white allies, were lying in ambush. The advance guard received a heavy fire which caused it to recoil, but the first line promptly charged, rousing the Indians with the bayonet and firing at short range. The battle was fought as it had been rehearsed time and again in drills, except that the charge of the first line was so impetuous that the second line could not catch up, and the cavalry, which had been sent around to cut off retreat, did not reach its position in time. Driven over two miles through the timber, and refused admission to the British fort, the Indians scattered in every direction, and offered no further resistance.

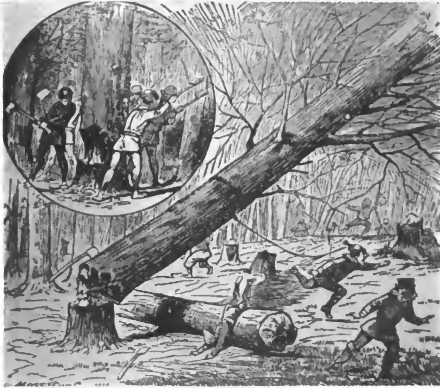
For three days the army destroyed Indian property in the vicinity, and the British trading houses within pistol shot of the British fort, which had a garrison of 250 regulars and 200 militia. On the 22nd Major Campbell protested against "those insults you have offered to the British flag," and Wayne replied with a demand for him to withdraw from our territory. This Campbell declined to do, but he did not interfere with the work of destruction. On the 27th the army returned to Fort Defiance, destroying villages and cornfields "for about fifty miles on each side of the Maumee." This work of destruction was carried on in every direction for about a month. On September 14 the army reached Kikiungi, and by October 22 completed a strong fort at that point. Col. Hamtramck, who had served with distinction in this campaign, was put in command, and named the new structure Fort Wayne. The garrison

included four companies of infantry and one of artillery, and "fifteen rounds of cannon" were fired on taking possession of the fort. This first American fort was replaced by a new one in 1814. The remainder of the army started on its return march to Greenville on October 28. On November 19, John Jay concluded his treaty with Lord Grenville, by which Great Britain agreed to withdraw her troops and garrisons from all places within the boundaries of the United States by June 1, 1796; and the Indians, now assured that they would have no further support from the British, came to Wayne at Greenville during the winter of 1794-5 and made tentative treaties of peace, agreeing to return in the middle of June, and make a definitive treaty. Accordingly 1,130 chiefs and warriors gathered there, and in councils held from June 16 to August 10, surrendered most of Ohio, the southeast corner of Indiana, including the Whitewater valley, and tracts at Fort Wayne, Little River, Oniatanon, Vincennes, and Clark's Grant. It was a magnificent conclusion of a most difficult task by Gen. Wayne, and his service was hailed with applause by Congress and by the public. He was made sole commissioner to treat with the Indians, and receiver of the ceded British posts. The posts were not actually evacuated until July 11, when Fort Miamis, below the rapids of the Maumee, was taken possession of by Col. Hamtramck, and Detroit was occupied by Capt. Moses Porter, who had been sent with sixty-five men by Hamtramck for that purpose. Hamtramck arrived at Detroit, and took command there on July 13. Having made all arrangements for supplying the posts, Wayne started back to the East. Burnet says his departure was hastened by unfounded charges that had been preferred against him.<sup>16</sup> On his passage through Lake Erie he had an attack of gout of the stomach, from which he died. He was buried at Presque Isle, but in 1809 his remains were removed to his native home, and buried in the cemetery of St. David's Church, Chester County, Penn.

In 1796 Congress passed an act for the survey and sale of the lands to which the Indians had ceded title, but by this law only the alternate townships were divided into sections, and the others were to be sold by quarter-townships. However, there was an abundance of land to select from, and settlers who were not able to buy a section could club together in the purchase and divide the land among themselves later. Population came in rapidly, and of course a large part of it was drawn to the large grants of the Ohio and Miami companies, where established settlements afforded some of the conveniences of civilization. The Scioto Company—composed of Col. Duer's "principal characters"—sent Joel Barlow to France, where, according to Volney, he distributed circulars

<sup>16</sup> Burnet's Notes, pp. 275-9.

offering land for five shillings an acre in "a climate healthy and delightful; scarcely such a thing as frost in winter; a river, called by way of eminence, 'Beautiful,' abounding in fish of enormous size; magnificent forests of a tree from which sugar flows, and a shrub which yields candles; venison in abundance, without foxes, wolves, lions or tigers; no taxes to pay; no military enrollments; no quarters to find for soldiers." Lured by this picture, a number of Parisians whose education had been



FRENCH SETTLERS CLEARING LAND AT GALLIOPOLIS  
(From an old cut)

limited to city life, invested in these lands, and came to settle on them. They found a primeval forest to overcome, and their inexperience caused a large amount of amusement to their American neighbors. It was claimed that they used to tie ropes to the branches of a tree, and part of them pull on the ropes while the rest hacked at the trunk with hatchets and axes. And when a tree was down, not knowing how to dispose of it otherwise, they dug a trench and buried it. The place was malarial, and worse than all, the Scioto Company had not paid for the lands. Congress came to the relief of the victims in 1795 with a grant of 24,000

acres of land opposite the mouth of the Little Sandy, known as the French Grant.

Another echo of the Ordinance days came in the Connecticut Western Reserve. Connecticut had insisted on having both the title and the jurisdiction of a tract of land as large as the State under her sea to sea charter, until the Union was threatened with disruption. After the other colonies reluctantly submitted, Connecticut granted 500,000 acres of it to her people to compensate for property destroyed in the Revolutionary War, and this tract was known as "the Sufferers Lands" or "The Fire Lands." The rest of the reserve was sold to a syndicate for \$1,200,000. The proprietors had ideas of erecting a state of New Connecticut, but when Gov. St. Clair proceeded to include them in one of his new-made counties, the controversy developed the fact that their titles were in danger. They appealed to Connecticut to assert jurisdiction and organize them as a county, but Connecticut had all she could get out of the lands, and ignored them. Finally, after a great deal of trouble, Congress relieved them by a scheme of interchange of deeds between Connecticut and the United States, devised by John Marshall, and the Western Reserve was turned over to Northwest Territory.<sup>17</sup> The chief immigration to Indiana in this period was in the Whitewater valley, Clark's Grant and about Vincennes.

The provision of the Ordinance that caused the most trouble to the French settlers was that concerning slavery. On June 30, 1789, Bartholomew Tardiveau, one of the principal residents of Cahokia, wrote to Governor St. Clair informing him that a report had been circulated in the Illinois settlements that as soon as the Governor arrived all the slaves would be freed, in consequence of which many persons had sacrificed their lands and removed to St. Louis. He stated that while east recently he had brought the matter before members of Congress, and that they had assured him that the slavery clause was not intended to be retroactive, and that Congress would adopt a resolution to that effect, but it was not done. He urged the Governor to get such a declaration from Congress, and if possible to get a repeal of the slavery proviso. St. Clair did not comply with his request, but assured him that he also understood the provision not to be retroactive.<sup>18</sup> In his report to President Washington of his proceedings in the Illinois country in 1790, St. Clair said: "St. Louis is the most flourishing village of the Spaniards in the upper part of the Mississippi, and it has been greatly advanced by the people who abandoned the American side. To that they were in-

<sup>17</sup> Hinsdale's *Old Northwest*, pp. 368-83.

<sup>18</sup> St. Clair Papers, Vol. 2, pp. 117-119.

duced, partly by the oppression they suffered, and partly by the fear of losing their slaves, which they had been taught to believe would be all set free on the establishment of the American government. Much pains had indeed been taken to inculcate that belief (particularly by a Mr. Morgan, of New Jersey) and a general desertion of the country had like to have been the consequence. The construction that was given to that part of the Ordinance which declares there shall be neither slavery nor involuntary servitude, was, that it did not go to the emancipation of the slaves they were in possession of and had obtained under the laws by which they had formerly been governed, but was intended simply to prevent the introduction of others. In this construction, I hope, the intentions of Congress have not been misunderstood, and the apprehensions of the people were quieted by it. But the circumstance that slaves cannot be introduced will prevent many people from returning who earnestly wish to return, both from a dislike of the Spanish Government and that the country itself is much less desirable than on the American side. Could they be allowed to bring them back with them, all those who retired from that cause would return to a man."<sup>10</sup>

Washington presumably concurred in this view, for St. Clair steadily adhered to it thereafter. In a letter to Luke Decker, of Vincennes, October 11, 1793, he said he was "more and more confirmed" in this opinion, and compared it to the action of Congress on the slave trade, which prevented further importation of slaves, without interfering with those already in the country. The question did not come to a decision in the courts of the Northwest Territory so far as is known, but there was an approach towards it in 1794. Judge Turner had gone to Vincennes to hold court, and there became involved in a quarrel with Henry Vanderburgh, then probate judge and justice of the peace for Knox County, and Capt. Abner Prior, acting as superintendent of Indian affairs on the Wabash. An application was made to Turner for a writ of habeas corpus for the release of two slaves held by Vanderburgh, whereupon the slaves were kidnaped and removed from the jurisdiction of the court. Turner wrote to St. Clair that the kidnapers "were employed by Vanderburgh to seize and forcibly carry away two negroes, a man and his wife, who are free by the Constitution of the Territory, and who, being held by him as slaves, has applied to me for the writ of habeas corpus, in affirmance of their freedom." He wanted Vanderburgh's commission revoked. St. Clair declined, and wrote to Turner the fullest statement of his views on the question that has been preserved. He said: "Permit me sir, to offer you my opinion upon the subject,

<sup>10</sup> St. Clair Papers, Vol. 2, p. 176.

which is shortly this: that the declaration in our Constitution, that there shall be no slavery nor involuntary servitude in the Territory, applies to, and can be taken advantage of only by, those slaves who may have been imported since the establishment of that Constitution. Slavery was established in that country when it was under the dominion of France. It was continued when it fell under that of Great Britain; and, again,



THE EARLY SURVEYS AND LAND GRANTS

under Virginia, a part of the Territory of which it was considered by that State until the cession thereof made to Congress; and whether that construction of the State was ill or well formed, the acceptance of the cession by Congress confirmed it to all intents and purposes; and there is also a clause in that cession about continuing to the ancient settlers, and those who had settled under Virginia, the benefit of their ancient laws and customs. As I have not the act of cession of that State by me at present, I can not give you the words. Slaves were then a property

acquired by the inhabitants conformably to law, and they were to be protected in the possession of that property. If so, they are still to be protected in it. So far as it respects the past, it can have no operation, and must be construed to intend that, from and after the publication of the said Constitution, slaves imported into that Territory should immediately become free; and by this construction no injury is done to any person, because it is a matter of public notoriety, and any person removing into that Colony and bringing with him persons who were slaves in another country, does it at the known risk of their claiming their freedom; whereas, on the other hand, had the Constitution the effect to liberate those persons who were slaves by the former laws, as no compensation is provided to their owners, it would be an act of the Government arbitrarily depriving a part of the people of a part of their property—an attempt that has not been made and would not be submitted to, and is not to be drawn from the mere construction of words. I have troubled you with my thoughts upon this subject because I have heard that there is great agitation among the people respecting it, and they should be set at rest." This view was followed during the existence of Northwest Territory and the territories formed from it.

Tardiveau, in his letter to St. Clair, urged that it would secure desirable population for the northwest if slaves could be brought in, and St. Clair concurred to the extent of desiring the return of the Illinois slave-holders who had moved across the Mississippi. This was a common feeling in the western part of the Territory, and for obvious reasons. The chief wealth of the country was in land, and all who could were speculating in it. On January 12, 1796, a petition was drawn up at Kaskaskia asking Congress for the repeal or modification of the slavery clause. It was signed by John Edgar and William Morrison, two of the wealthiest and most influential men of Randolph County, and William St. Clair and John DuMoulin, who were equally prominent in St. Clair County. The argument offered was this: "Your petitioners humbly hope they will not be thought presumptuous in venturing to disapprove of the article concerning slavery in toto, as contrary not only to the interest, but almost to the existence of the country they inhabit, where laborers cannot be procured to assist in cultivating the ground under one dollar per day, exclusive of washing, lodging, and boarding; and where every kind of tradesmen are paid from a dollar and a half to two dollars per day; neither is there, at these exorbitant prices, a sufficiency of hands to be got for the exigencies of the inhabitants, who, attached to their native soil, have rather chosen to encounter these and many other difficulties than, by avoiding them, remove to the Spanish dominions, where slavery is permitted, and consequently the price of labor is much

lower." They desired the repeal of the slavery clause, or provision for the introduction of slavery by indenture. The petition was promptly rejected by the Congressional committee to which it was referred, on the ground that there was no evidence that the petitioners represented public sentiment; "and your committee having information that an alteration of the Ordinance, in the manner prayed for by the petitioners, would be disagreeable to many of the inhabitants of the said Territory; they have conceived it needless to enter into any consideration of the policy of the measure, being persuaded that, if it could be admissible under any circumstances, a partial application, like the present, could not be listened to."<sup>20</sup>

No farther effort in this line was made until the Territory advanced to the second grade. In 1798, having become satisfied that the Territory contained "five thousand free male inhabitants of full age," the Governor called an election of delegates to a Territorial legislature, which convened on February 4, 1799. Of the twenty-two representatives elected under the apportionment, sixteen were from what is now Ohio, three from Michigan, two from Illinois, and one from Indiana. They nominated ten men for councillors, from whom President Adams selected five, four from Ohio and one, Henry Vanderburgh, who was made president of the council, from Indiana. As to their politics, there is no reason to question the statement in 1840 by William Henry Harrison, who was elected to Congress by this House of Representatives: "In 1799 I was selected by the Republican party of the Territorial Legislature to be their candidate for the appointment of delegate to Congress. Between Mr. Arthur St. Clair, Jr. (the son of Governor St. Clair), the Federal candidate, and myself, the votes were divided precisely as the two parties stood in the Legislature, with the exception of one Republican, who was induced by his regard for the Governor to vote for his son. The vote was 11 to 10,—not one of the Federalists voting for me." It should be understood, however, that the party alignment had very little to do with the doctrine of "states rights," which is commonly assumed by writers of later date as the distinguishing feature between the two parties. Governor St. Clair was the head of the Federalists, and proved his thorough loyalty by writing a defense of the Alien and Sedition laws, but his states rights ideas were so extreme that they would have shocked John C. Calhoun. In 1795, long after the "whiskey insurrection," he contended that the whiskey tax did not apply to the Territory; that it would be

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<sup>20</sup> For petition and report, see *Am. State Papers*, Pub. Lands, Vol. 1, pp. 60, 61.



unjust to tax people who were not represented; "that the inhabitants of a Territory are not a part of the people of the United States."<sup>21</sup>

But more, the Ohio Federalists opposed the constitutional convention for the admission of the state on the ground that Congress had no power to call it, and when the convention met Governor St. Clair was "permitted" to address it, and, among other things, he said: "That the people of the Territory should form a convention and a constitution needed no act of Congress. To pretend to authorize it was, on their part, an interference with the internal affairs of the country, which they had neither the power nor the right to make. The act is not binding on the people, and is in truth a nullity, and, could it be brought before that tribunal where acts of Congress can be tried, would be declared a nullity. To all acts of Congress that respects the United States (they can make no other) in their corporative capacity, and which are extended by express words to the Territory, we are bound to yield obedience. For all internal affairs we have a complete legislature of our own, and in them are no more bound by an act of Congress than we would be bound by an edict of the first consul of France. Had such an attempt been made upon any of the United States in their separate capacity, the act would have been spurned from them with indignation. We, I trust, also know our rights, and will support them, and, being assembled, gentlemen, as a convention, no matter by what means it was brought about, you may do whatever appears to you to be for the best for your constituents as freely as if Congress had never interfered in the matter. \* \* \* Form, then, gentlemen, or direct a new election for the purpose, a Constitution for the whole Territory; assert your right to a full representation in the councils of the nation; direct the legislature forthwith to cause a census to be taken; it will not require much time if set about in earnest. Let your representatives go forward with that in their hands, and demand the admission of the Territory as a State. It will not, it can not be refused. But, suppose it should be refused, it would not affect your government, or anything you have done to organize it. That would go on equally well, or perhaps better. It was, I think, eight years after the people of Vermont had formed government, and exercised all the powers of an independent State, before it was admitted into the Union. The government was not retarded a single moment on that account. It would be incomparably better that we should be deprived of a share in the national councils for a session or two, or even for years, than that we should be degraded to an unequal share in them for nine years; but it will not happen. We have the means in our own hands to bring Con-

<sup>21</sup> St. Clair Papers, Vol. 2, pp. 377-84.

gress to reason, if we should be forced to use them. If we submit to the degradation, we should be trodden upon, and, what is worse, we should deserve to be trodden upon."<sup>22</sup>

Thomas Jefferson was then President, and the casual reader of our American histories might imagine he would receive with approbation such independent sentiments. This was his comment:

"DEPARTMENT OF STATE.

"Washington, November 22, 1802.

"Arthur St. Clair, Esq.:

"Sir:—The President observing, in an address lately delivered by you to the convention held at Chillicothe, an intemperance and indecorum of language toward the Legislature of the United States, and a disorganizing spirit and tendency of very evil example, and grossly violating the rules of conduct enjoined by your public station, determines that your commission of Governor of the North-western Territory shall cease on the receipt of this notification.

I am, etc.

"JAMES MADISON."

St. Clair returned thanks for being released from "an office I was heartily tired of, about six weeks sooner than I had determined to rid myself of it," and reiterated his opinion of "the violent, hasty, and unprecedented intrusion" of Congress. Madison's letter was inclosed in one to Charles W. Byrd, Secretary of the Territory, advising him that the duties of the office would devolve on him. Winthrop Sargent had resigned in 1798, and had been succeeded by William Henry Harrison, who in turn resigned when elected to Congress, and was succeeded by Byrd. Jefferson has been criticised for not permitting St. Clair to complete his term of office, but it is hardly fair to say that any other action should have been taken, in view of the public nature of the offense, as the sentiment of resistance to Congress was not confined to St. Clair. The Federalists had made their campaign for delegates to the convention on the same basis of lack of authority in Congress to pass the enabling act. Paul Fearing, Representative of the Territory in Congress had opposed the enabling act as "unconstitutional," and urged that "Congress had nothing to do with the arrangements for calling a convention." Mr. Griswold of Connecticut had supported Fearing, declaring that the act was "an usurpation of power by the United States—a power not belonging to them." The Wayne County people thought that putting them into Indiana was ruinous, and a Federalist meeting at

<sup>22</sup> St. Clair Papers, Vol. 2, pp. 594-7.

Dayton adopted the following resolution of resistance: "We consider the late law of Congress for the admission of this Territory into the Union, as far as it relates to the calling a convention and regulating the election of its members, as an act of legislative usurpation of power properly the province of the territorial legislature, bearing a striking similarity to the course of Great Britain imposing laws on the provinces.



GOV. ARTHUR ST. CLAIR

(From portrait by Charles Willson Peale)

We view it as unconstitutional, as a bad precedent, and unjust and partial as to the representation in the different counties. We wish our legislature to be called immediately to pass a law to take the enumeration, to call a convention, and to regulate the election of members to the same, and also the time and place for the meeting." Most of the Federalists who were elected to the convention voted that it was expedient to form a constitution, but Ephraim Cutler was so entirely "unrecon-

structed" that he voted against it all by himself; and wrote to his father congratulating himself on "the opportunity to place my feeble testimony against so wicked and tyrannical a proceeding—although I stand alone."

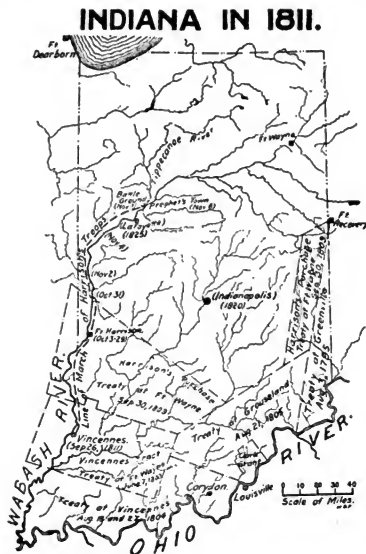
As President, Jefferson could not afford to ignore such resistance to the authority of the United States coming from an United States official. Formal charges had been preferred against St. Clair months before, by zealous Republicans, charges of usurpation of legislative power, nepotism, collection of illegal fees, etc., and Jefferson had taken no action on them. The real injustice to St. Clair was in the failure of the United States to pay what it owed him. Under the instructions of President Washington he had treated with the Indians for land titles. It was necessary to make presents and payments, and St. Clair bought the goods on the credit of the United States. When he presented the bills there was no appropriation to pay them, but Secretary Hamilton promised that they should be paid, and on that assurance St. Clair gave his personal bond for the money. But they were not paid, and Hamilton went out of office. The new Secretary would do nothing, and in 1796 the papers in the case were destroyed by a fire in the war office. The accounting officers refused to settle, and when application was made to Congress a claim was raised that the statute of limitations had barred the debt. But it did not bar St. Clair's bond. Judgment was taken against him, and finally in 1810, when the embargo had made money almost impossible to obtain, his home, on land which had been given him for service in the Revolution, was sold—property worth over \$50,000 sacrificed to pay a government debt of \$4,000. The brave old man said: "They left me a few books of my classical library, and the bust of Paul Jones, which he sent me from Europe, for which I was very grateful." Reduced to destitution, St. Clair passed his few remaining years in a log cabin in the barrens of Chestnut Ridge, five miles west of Ligonier, Pennsylvania, another warning to those who deal with the United States not to let patriotism lead them into any situation where they have not written guaranty.

In reality the enabling act for the admission of Ohio was a Republican political move, two objects of which were making a Republican state of Ohio, with the capital at Chillicothe, and making William Henry Harrison Governor of Indiana Territory, but the matter was complicated with other issues. So far as national politics was concerned, the dominating issue in Northwest Territory was sympathy with the French democracy. "Jacobin clubs" were formed at a number of centers. In a speech at Cincinnati, in 1802, St. Clair said that they were first started at Cincinnati by a Mr. Kerr, who was not even a citizen of the United States. He

condemned these clubs roundly, and as to their claims of republicanism said: "What is a republican? Is there a single man in all the country that is not a republican, both in principle and practice, except, perhaps, a few people who wish to introduce negro slavery amongst us, and those residing chiefly in the county of Ross?" It is to be regretted that he was not more specific, for Ross County was supposed to be settled by people who left the South on account of slavery. The region was explored originally by Col. Nathaniel Massie and others in 1792, and on Massie's reports parts of the Presbyterian congregations of Cane Ridge and Concord, in Bourbon County, Kentucky, decided to emigrate in a body, with their pastor, Rev. Robert W. Finley. Finley freed his slaves for this purpose, and they moved to Ohio in 1796. In 1797 there were two notable additions to the colony in Dr. Edward Tiffin and Col. Thomas Worthington brothers-in-law, of Berkeley County, Virginia, who freed their slaves to move to free soil. Worthington was the Republican leader in Ohio almost from his arrival, and Tiffin was the first Governor of the State. When the enabling act was passed, Solomon Sibley, of Detroit, wrote to Judge Burnet, "We may thank our good friends Judges Symmes and Meigs, and Sir Thomas, for what is done." "Sir Thomas" was Worthington, but the Federalists made little headway in that line of epithet, for the Jacobins had them all labeled as "Aristocrats." Even a nabob like John Cleves Symmes wrote that the Cincinnati editors "print everything for Aristocrats, and only now and then a piece for Democrats. We shall never have fair play while Arthur and his Knights of the Round Table sit at the head."

There was apparently no party division on the slavery question. At the opening of the legislative session of 1799 several officers of the Virginia line petitioned for "toleration to bring their slaves into this Territory, on the military lands between the Little Miami and Scioto rivers," and on Sept. 27, the fourth day of the session, the committee to which it was referred reported that this would be incompatible with the Ordinance whereupon it was "Resolved unanimously, That the House doth agree to the same." Yet of this House, as we have seen, twelve were Republicans and nine Federalists. On November 19, another petition was presented from Thomas Posey and other officers of the Virginia line, asking that slaves might be brought in "under certain restrictions," probably under indenture, with emancipation at certain ages. The House went into committee of the whole on this, and then referred it to a committee of three "to report by bill or otherwise," but nothing further was heard of it, and Gen. Posey and others located in southern territory. The sentiments of the Ohio members are not known, but John Edgar, who represented Randolph County in this legislature had petitioned for the admis-

sion of slavery three years earlier; Shadrach Bond, who represented St. Clair County, joined in at least two petitions for slavery later; and John Small, who represented Knox County, was himself a slaveholder in Indiana, and identified with the pro-slavery party there. This attitude



of this legislature is of interest in connection with an attempt to permit slavery in the constitution of Ohio, which we shall have occasion to notice later.

Indiana's direct interest in Northwest Territory ended with the division act of 1800, except that until the admission of Ohio in 1802, the southeastern corner of Indiana, east of the Greenville Treaty line, and

also the eastern part of the lower peninsula of Michigan, remained a part of Northwest Territory. The division act was obtained by Harrison, substantially as he and his political associates had planned, with Chillicothe as capital of Northwest Territory, and Vincennes as capital of Indiana Territory. Harrison's appointment as Governor of Indiana Territory followed in course. Harrison also secured the passage of a land law which was a just source of popularity in his future life. Under the land law of 1796, providing for the survey and sale of lands east of the mouth of the Kentucky River, only the alternate townships were divided into sections, and there was no provision for sale of less than a section in the other townships. The undivided townships were to be sold by quarters, excepting the four central sections, or, in other words, in quantities of eight sections. This practically put half of the public land out of the market, except to companies or wealthy individuals. The man who was not able to buy 640 acres had to buy from some other person or company. Harrison brought his plan before the House, and it was referred to a committee of which he was chairman. He brought in a report favoring sale by half and quarter sections, with easy terms of payment. This was regarded as too great encouragement to the impecunious by the Senate, but a compromise was made on allowing sale by half sections, with four years for payment, and eight per cent discount if paid before due. Sale by quarter sections was not conceded until by the act of March 26, 1804, for the sale of lands in Indiana Territory.

## CHAPTER VI

### INDIANA TERRITORY

Northwest Territory was divided by act of May 10, 1800; and by the census of that year there were 45,365 inhabitants left in Northwest Territory and 5,641 included in Indiana Territory. But at that time the latter did not include two important tracts that were added two years later, when Ohio became a state. These were Wayne County, or the part of Michigan east of the eastern line of Indiana, with a portion of northwestern Ohio, and that part of the Whitewater valley lying between the Greenville Treaty line and the present east line of Indiana, sometimes called "the Gore." The census showed 3,206 inhabitants in Wayne County. The number in the Gore was not reported separately, but it was probably more than 1,000. More than half of the population of Indiana Territory was outside of what is now Indiana. There were 1,103 in Randolph County, Illinois; 1,255 in St. Clair County; 251 at Michilimackinac, 65 at Prairie du Chien; 50 at Green Bay; 100 at Peoria; and 300 Canadian boatmen, estimated, with no fixed abodes. In Indiana proper there were 714 at Vincennes, which was the only town returned separately. There were also 819 returned as in the neighborhood of Vincennes, a few of them of course west of the Wabash, and 55 "traders on the Wabash." In Clark's Grant, or "the Illinois Grant," as it was called, there were 929. Of the total population there were reported 135 slaves and 163 negroes, i.e., "all other persons except Indians not taxed." It is certain that a number of those reported as free negroes were in fact slaves, for in Cahokia and Cahokia Township there were reported 42 negroes and no slaves, and in Vincennes and neighborhood there were reported 71 negroes and only 23 slaves. There is no way of determining the exact number of each class.

This little seed of slavery developed the chief political crops of the next quarter of a century. The four Illinois men who had petitioned for the admission of slavery in 1796 had not rested quietly. In 1800 they had sent a second petition to Congress asking a modification of the slavery clause to admit slaves from other parts of the United States, but whose children should be free, the males at the age of thirty-one and the females at the age of twenty-eight. This was presented in the Senate on January



23, 1801, and laid on the table, as the petitioners were no longer in Northwest Territory. It does not appear to have been presented in the House. This failure merely turned the efforts of the Illinois people in new directions. Under the law creating it, Indiana could advance to the second grade whenever the Governor was satisfied that the people desired it. This would give the Territory a representative in Congress, and also a mode of expressing the local popular will. Accordingly they moved for it at once, and on April 11, 1801, John Edgar wrote to Gov. St. Clair: "During a few weeks past we have put into circulation petitions addressed to Governor Harrison for a General Assembly, and we have had the satisfaction to find that about nine-tenths of the inhabitants of St. Clair and Randolph approve of the measure, a great proportion of whom have already put their signatures to the petition. I have written to Judge Clark, of Clark County, to Mr. Buntin and Mr. Small, of Post Vincennes, urging them to be active in the business. I have no doubt but that the undertaking will meet with early success so as to admit of the House of Representatives meeting in the fall."

This was the first political problem that confronted Governor Harrison. He was only twenty-seven years old when appointed, but had seen considerable of public life. The youngest son of Governor Benjamin Harrison of Virginia, one of the signers of the Declaration of Independence, and a member of the Continental Congress, he was heir to the friendship of numerous public men. After a classical course at Hampden-Sidney College, he began the study of medicine in 1790, and in 1791 was started to Philadelphia to continue his studies under Dr. Benjamin Rush, but his father died at this time, and, disliking medicine, he applied to Secretary Knox and President Washington for a military appointment, and was at once made an ensign in the Tenth U. S. Infantry. He walked to Pittsburg, and went down the Ohio, reaching Fort Washington just as the remnants of St. Clair's defeated army arrived there. He was not popular at first, probably, in part at least, on account of his temperate habits. Army life was rather rough on the frontier, and Cincinnati was altogether "over the Rhine" at that time. Harrison said he saw more drunken men in his first two days there than he had seen in all his previous life. On June 1, 1793, when Wayne was at Hobson's Choice, he issued an order reading: "The Intoxicated and Beastly situation in which a great Number of the Soldiery belonging to almost every Corps, was discovered by the Commander in Chief yesterday, and at other times in the village of Cineinnuati makes it his duty to prohibit any passes or Permits to be given to any Non Commissioned officer or soldier to pass the chain of Centinels out of Camp, except by the field Officer of the Day; and then not more than one Man in a Com-

pany, who first must be particularly recommended by his Commanding Officer." Harrison kept sober, and devoted his spare time to study, especially of tactics. His favorite study had been ancient history; and he says he had read Rollin three times before he was seventeen years old. In 1792 he was made lieutenant, and in 1793, after Wayne had seen something of his service, he made him his aide-de-camp, in which position he won praise for gallantry at the battle of the Fallen Timbers. In November, 1795, he married Anne Cleves Symmes, daughter of Judge Symmes, and soon after Wayne put him in command at Fort Washington. In the spring of 1798 he resigned his position in the army, and was soon appointed Secretary of Northwest Territory, resigning this position a year later to enter Congress. He was at this time identified with the Ohio Republicans, but, as he himself states, maintained a reticence on national politics that made his position the subject of much controversy at a later date.

He did not desire Indiana Territory to advance to the second grade in 1801, for various reasons. Primarily it would largely decrease his own power, as he had a large part in legislation in the first grade; and secondly the French settlers and a number of the influential Americans were of Federal tendencies in politics. He had not yet had opportunity to become fully acquainted with the situation. The government of Indiana Territory had begun on July 4, 1800, but with none of the officials on the ground except John Gibson, the Territorial Secretary. William Clark, Henry Vanderburgh and John Griffin had been appointed Territorial Judges, but they took no action until after the arrival of Governor Harrison on January 10, 1801. Gibson was therefore the whole government until that time. He was a notable frontier character, born at Lancaster, Penn., May 23, 1740, and fairly educated. At eighteen he joined the expedition of Gen. Forbes against Fort DuQuéne, and after its capture, and change of name to Fort Pitt, located at that point as an Indian trader. Soon after he was captured by the Indians, and doomed to death, but was saved by an old squaw, who adopted him in place of her dead son. He remained with the Indians for several years, becoming skilled in their languages, manners and customs, and marrying a sister of Logan (Tahgahjute, a Cayuga chief); and then returned to Fort Pitt and resumed business as a trader. He was quite commonly known as "Horsehead," which is presumably a translation of his Indian name. In 1774 he accompanied Lord Dunmore's expedition against the Shawnee towns, acting as interpreter, and in this capacity received the celebrated speech, "Who is there to mourn for Logan?" his squaw wife having been one of the victims that Logan had avenged. He told Logan that Col. Cresap was not responsible for the massacre, but delivered the

speech to Lord Dunmore as he had received it, and it later came to the possession of Thomas Jefferson, who gave it to the world. At the beginning of the Revolutionary war he raised a regiment, and served under Washington in New York and New Jersey, and at the close of the war he went back to Indian trading at Pittsburg. He served also as a member of the first constitutional convention of Pennsylvania, in 1788, and later



WILLIAM HENRY HARRISON, WHEN GOVERNOR OF INDIANA  
(From the portrait by Peale)

as General of the Pennsylvania militia, and judge of the Court of Common Pleas of Alleghany County. With a strong natural sense of justice, and good common sense, he was always popular; and his knowledge of Indians made him invaluable to Indian Territory. He served as Secretary until the admission of the State in 1816, acting as Governor in 1812-13, and shortly afterwards went to live with his son-in-law, George Wallace, at Braddock's Field, where he died April 10, 1822.

As soon as Harrison arrived at Vincennes he called a session of the

Governor and Judges for January 12. The session lasted for two weeks, and six laws and three resolutions were adopted, all but one of the laws being amendatory, or in repeal of, laws of the Northwest Territory, which were held to be in force in Indiana Territory. The duties of the Governor were not arduous. On October 15, 1801, Harrison wrote to James Findlay, of Cincinnati, "I am much pleased with this country. Nothing can exceed its beauty and fertility. I have purchased a farm of about three hundred acres joining the town, which is all cleared. I am now engaged in fencing it, and shall begin to build next spring if I can find the means. How comes on the distillery? I wish you to send me some whisky as soon as possible. \* \* \* We have here a company of troops commanded by Honest F. Johnson of the 4th. We generally spend half the day together, making war upon the partridges, grouse and fish; the latter we take in great numbers in a sein." His peace and quiet were interrupted by the petition for advance to the second grade but he was equal to the emergency. He wrote a "letter to a friend," and it found its way into print, arguing against the proposal on account of the great expense it would entail. Of the effectiveness of this letter, one of his bitterest enemies said: "Previous to this famous letter of the Governor against the second grade of government, the people, whether right or wrong, had generally petitioned the Governor to adopt the measure. A declaration of his own opinion, accompanied with an exaggerated calculation of the expenses incident to this form of government, alarmed the people, by a representation of heavy taxes; and they immediately changed their opinions, for no other reasons than those stated by the Governor."<sup>1</sup>

Harrison had been giving attention to real public needs from the beginning. On May 9, 1801, he issued a proclamation forbidding all persons from settling, hunting or surveying on the Indian lands. The object of this was to prevent trouble with the Indians, and it was followed five weeks later by the following: "July 20. This day the Governor Issued a proclamation expressly forbidding any Trader from selling or giving any Spirituous Liquors to any Indian or Indians in the Town of Vincennes and ordering that the Traders in future when they sold Liquor to the Indians should deliver it to them at the distance of at least a mile from the village or on the other side of the Wabash River. and Whereas certain evil disposed persons have made a practice of purchasing from the Indians (and giving them Whiskey in exchange) articles of Cloathing. Cooking, and such other articles as are used in hunting viz; Guns powder, Ball &c. he has thought proper to publish an Extract from the Laws of the United States, that the persons offending against

<sup>1</sup> Letters of Decius, p. 7.

the Law may know the penalties to which they are subject, he also exhorts and requires all Magistrates and other Civil officers vigilantly to discharge their duties, by punishing, as the Law directs, all persons who are found drunk, or rioting in the streets or public houses, and requests and advises, the good Citizens of the Territory to aid and assist the Magistrates, in the execution of the Laws by Lodgeing information against, and by assisting to apprehend the disorderly and riotous persons, who constantly infest the streets of Vincennes and to inform against all those who violate the Sabbath by selling or Bartering Spirituous Liquors or who pursue any other unlawfull business on the day set apart for the service of God."<sup>2</sup> Five days earlier he had written to the Secretary of War concerning this evil, saying that he could tell from looking at an Indian whether he belonged to a neighboring or a distant tribe, as "The latter is generally well clothed, healthy and vigorous; the former, half naked, filthy, and enfeebled by intoxication; and many of them are without arms, excepting a knife which they carry for the most villainous purposes." He says there were about six thousand gallons of whisky sold annually to the six hundred Indians on the Wabash, and those near Vincennes were "daily in town and frequently intoxicated to the number of thirty or forty at once, when they committed the greatest disorders, drawing their knives and stabbing every one they met; breaking open the houses, killing cattle and hogs and breaking down fences." The people soon appreciated the need of such action, for on August 6, 1805, the legislature adopted a law prohibiting the sale of liquor within thirty miles of any Indian council; and on December 6, 1806, another prohibiting the sale or gift of liquor to Indians within forty miles of Vincennes.

One of the great sources of trouble was the establishment of boundaries of land claims, and a session of the Governor and Judges was held Jan. 30-Feb. 3, 1802, which adopted laws for county surveyors and their fees. But the one subject that was uppermost with the most influential men of the Territory was the slavery question. The chief wealth of the Territory was in land, and in the Illinois country this was mostly prairie land, needing only cultivation to be productive. Labor was scarce and dear. Poor men could secure small farms and do their own cultivation, but the wealthy land owner saw his lands lying idle, while across the Ohio and the Mississippi similar owners were utilizing slave labor. Moreover the French settlers in the Territory had just enough slaves to make the situation tantalizing. The small number of slaves also made the institution much less repulsive than where large numbers were worked

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<sup>2</sup> Executive Journal, Ind. Hist. Soc. Puhs., Vol. 3.

in gangs, like animals, most of the Illinois slaves being house servants, and all in direct touch with their owners. And further, if we may credit the French writers of the period, slavery had not produced the demoralizing effects on the whites that was already observable in Louisiana.<sup>3</sup> Paul Alliot, the French doctor who dedicated a memoir to Jefferson, after severe reflections on the people of Louisiana, says: "After having gone thirty leagues farther, the traveler reaches that place and good country known by the name of Illinois. It is in that enchanting abode that those good inhabitants exercise with kindness and humanity hospitality toward those who present themselves there, and those whom fortune has cast from its bosom, or who have been constrained to flee through persecution. Those fine inhabitants are prodigal of help to them and aid them without any selfish end in view in forming their settlements. \* \* \* Marriage is honored there and the children resulting from it share the inheritance of their parents without any quarreling. Never does that self interest which divides families in France, and even in other parts of Europe, disunite them. None of those blood-suckers known under the name of bailiffs, lawyers and solicitors are seen there. \* \* \* Those good and courageous people, far distant from all faction, as well as from perfidy and tyranny, occupy themselves in the bosom of peace which they have at last found in a country which was formerly the abode of those men whom nature forms without need and without criminal passions, in rearing their children, in teaching them at an early age to love one another, to work, and finally, to enjoy as a consequence that terrestrial happiness which good spouses find in their homes."

It should also be borne in mind that most of the Illinois settlers, aside from the French, were foreigners, and that Southerners who were familiar with the objectionable features of slavery, so far as they had been developed at that time, were few. John Edgar, who was the leading advocate of slavery in Randolph County, was an Irish naval officer, who commanded a British vessel on the lakes at the beginning of the Revolution, but espoused the American cause from principle. He was wealthy, and was celebrated for benevolence and public spirit. Next to him in Randolph was William Morrison, a native of Pennsylvania, who had come to the Illinois as a fur-trader, and had become the wealthiest resident of the region. William St. Clair, the slavery leader in St. Clair County was a Scotchman, youngest son of the then Earl of Roslin, and a cousin of Governor St. Clair. John DuMoulin, who joined with these other three in the slavery petition of 1796, was a highly educated Swiss,

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<sup>3</sup> See collected extracts in Robertson's Louisiana.

who acquired wealth in Illinois, and was a useful citizen. It was natural enough that such men should see no reason why they should be excluded from the benefits of an institution which existed on all sides of them, and they persisted in demanding it. In the fall of 1802, Harrison went to the Illinois country on business, and the people there made their desires very plain. In the discussion of the mode of securing a modification of the Ordinance, Harrison stated his willingness to call a convention to give the consent of the Territory to the change, if petitioned so to do. Petitions were at once put in circulation, and on November 22, the following entry was made in the Executive Journal: "Petitions having been presented to the Governor by a Considerable number of the Citizens of the Territory praying that a proclamation should issue from the Executive authority for Calling a General Convention for the purpose of taking into consideration the propriety of repealing the sixth article of Compact between the United States and the people of the Territory, and for other purposes, and proof having been adduced to the governor that a very large majority of the Citizens are in favor of the measures: the Governor in Compliance with their wishes Issued his proclamation notifying all whom it may concern that an Election will be held at the Respective Court Houses in Each County of the Territory on tuesday the 11th. day of December for Choosing representatives to a General Convention, and the number of Representatives from the several Counties to be as follows Viz. from the County of Knox, four, from the County of Randolph three, from the County of St. Clair three, and from the County of Clark two, and the Sheriffs of the several Counties are authorized and required to hold the Elections in their Respective Counties, and in case any of the Sheriffs are Candidates, then the election to be held by the Coroners."

These elections were duly held; Clark County having been created on February 3, 1801, from Knox County, and including all of the Territory lying east of Blue River and south of the east fork of White River. The delegates to the convention were leading men of their counties, but their names narrowly escaped oblivion. Fortunately Governor Reynolds preserved the record as to Illinois in his Pioneer History, in the sketches of Pierre Menard, Robert Reynolds and Robert Morrison, of Randolph County, and Jean Francois Perrey, Shadrach Bond and Major John Moredock, of St. Clair County, who were the delegates from those two counties. As to Knox County. all record was lost until 1886, when, in moving some papers in the office of the Auditor of State, the original poll list was found. The Auditor, James H. Rice, did not know what it was, and sent it to Henry Cauthorn, of Vincennes, as an historical local relic. Mr. Cauthorn likewise had never heard of this convention, but he



MISSISSIPPI VALLEY IN 1801



wrote an article about the poll list for the Vincennes Sun, which was luckily reprinted in the Indianapolis Sentinel of January 13, 1886, and which gives the result of the election in the choice of Gen. Harrison, Luke Decker, Francis Vigo, and William Prince. I at once wrote to Mr. Cauthorn, and was informed that the paper had been put on display in the office of the Vincennes Sun, and had been carried away by some unknown person. The names of the delegates from Clark County have never been found, but a guess has been ventured that they were Davis Floyd and one of the Beggs brothers. The only thing certainly known about them was that they opposed the introduction of slavery. The convention organized by electing Harrison president and John Rice Jones secretary. Jones was a talented Welsh lawyer, who had been in the Territory since Clark's expedition of 1785. On December 28 the convention agreed on its memorial, which asked for the suspension of the slavery clause for a period of ten years, but with no provision for the gradual emancipation of either the slaves so introduced or their children. The memorial also asked for the extinction of Indian titles, the right of preemption for actual settlers, land grants for schools, and to persons who would open roads and establish houses of entertainment on the principal lines of travel between the settlements, the grant of the saline spring below the mouth of the Wabash, permission to the French settlers to locate their donations outside of the original surveys, abolition of the freehold qualification for suffrage, and payment of a salary to the Attorney General of the Territory. They also adopted a formal resolution of consent to the suspension of the ordinance for ten years, but provided that if Congress did not suspend the clause by March 4, 1805, their consent was withdrawn. They also recommended the reappointment of Harrison, whose term expired in 1803, and the appointment of John Rice Jones as Chief Justice of the Territorial court. Obviously Harrison and Jones had some influence with the convention. They were close personal and political friends at the time, but became bitter enemies afterwards.

These papers, with a formal letter of transmission from Governor Harrison, were sent to Congress by a special messenger, and on February 8, 1803, were referred to a committee of which John Randolph was chairman. On March 2, it reported adversely on all the requests except the right of preemption and the payment of a salary to the Attorney General. John Randolph has been bitterly assailed by New England writers, and in some of his later speeches there is an incoherence that might indicate mental failure, but in this report there is the clearest evidence of his sanity. No abler appeal to the petitioners could have been made than his statement as to the slavery proviso, which is in these words: "The rapidly increasing population of the State of Ohio sufficiently evinces,

in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region; that this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and emigration." There was no action taken on the report, but on December 15, 1803, the petition was recommitted to a committee composed of Mr. Rodney of Delaware, Mr. Boyle of Kentucky, and Mr. Rhea of Tennessee, who, on February 17, 1804, reported in favor of suspending the slavery clause for ten years, but with provision that the descendants of imported slaves should be free, the males at the age of twenty-five and the females at the age of twenty-one. They also recommended the repeal of the property qualification for electors. No action was taken on this report, and none thereafter until after the period of consent set by the convention.

This convention was unique in that it was the only one ever held to consent to a modification of the Ordinance. In character it was analogous to a constitutional convention, for although the Territory was under the government of Congress, the articles of compact were irrevocable except "by common consent" of Congress and the people of the Territory. No mode was specified for giving this consent; and it is notable that nobody questioned the legality of the convention, as would certainly be done if such a thing were attempted now. At that time, however, Americans believed that the people had an inherent and inalienable right to alter and amend their form of government, and that this right could not be destroyed by a mere failure to specify the mode of its exercise. The Ordinance did not give the Governor any authority to call a convention for any purpose, in express terms. It did not even mention a convention. But it did speak of the consent of the people, and how was that consent to be obtained? Clearly the people could not speak except in some prescribed form. The Judicial department could not prescribe the form. The legislative department was restricted to adopting laws of the original states. The initiative could be lodged only in the Executive, and Harrison's common-sense method of using the power did not even raise a criticism from his numerous enemies. His stand on the slavery question, however, raised criticism later, and was the cause of the first appearance of the Abolition party in American politics.

There was more reason for criticism of his next step. Judge Clark

had died on November 11, 1802, and Thomas Terry Davis had been appointed in his place. A session of the Governor and Judges was called for September 20, and on September 22, 1803, Harrison, with Judges Vanderburgh and Davis, adopted a Virginia law "concerning servants," which provided that: "All negroes and mulattoes (and other persons not being citizens of the United States of America) who shall come into this Territory under contract to serve another in any trade or occupation shall be compelled to perform such contract specifically during the term thereof." The apparent purpose of the provision as to "others not being citizens" was to cover panis, or Indian slaves, which were quite numerous among the French settlements, but as the language would also cover white servants, it was further provided that: "No negro, mulatto or Indian shall at any time purchase any servant, other than of their complexion; and if any of the persons aforesaid shall nevertheless presume to purchase a white servant, such servant shall immediately become free." The law required the master to provide "wholesome and sufficient food clothing and lodging," specifying "one complete suit of cloathing suited to the season of the year, towit: a coat, waistcoat, pair of breeches and shoes, two pair of stockings, two shirts, a hat and a blanket." The contract was assignable with the consent of the servant, and both master and servant could appeal to the courts for protection in their rights. Penalties were prescribed for helping servants to escape and for trading with them. A servant who refused to work was to serve two days for every day lost, and for any offense punishable by fine was to receive instead a whipping, not exceeding forty lashes. There was no provision for indenturing negroes within the Territory, but only for importing those already indentured, and no provision for the freedom of slaves or their children except as provided by the contract. It is difficult to conceive of this relation now as not being involuntary servitude, as the contracts contemplated were made in slave states, by actual slaves; and yet it is also difficult to distinguish it from that kind of freedom which Blackstone states to exist under the common law of England, as follows: "A slave or negro, the instant he lands in England, becomes a freeman; that is, the law will protect him in the enjoyment of his person and his property. Yet, with regard to any right which the master may have lawfully acquired to the perpetual service of John or Thomas, this will remain exactly in the same state as before; for this is no more than the same state of subjection for life, which every apprentice submits to for the space of seven years, or sometimes for a longer term." Nevertheless it was extensively criticised as a violation of the Ordinance, and the controversy over it, and succeeding laws of similar character resulted in their condemnation by the people.

But even this law did not satisfy the Illinois people. In 1800 Spain



GOVERNMENT HOUSE OF THE TERRITORY OF INDIANA, VINCENNES

had ceded Louisiana to France, and our diplomats had been vainly trying to purchase the eastern bank of the Mississippi to its mouth. In the spring of 1803 an opportunity arose to purchase all of Louisiana, and they entered into an unauthorized treaty for the purchase. There is little reason to question that President Jefferson considered this purchase unconstitutional when it was made, but he saw its vital importance to the country, and took the chances, calling a special session of Congress for October to consider the matter. News of the purchase reached Indiana that summer, and the anti-Harrison faction in Illinois at once put petitions in circulation asking to be joined to Louisiana. John Edgar and the Morrisons were the leaders in this, and it was charged by the Harrison party that they had formed a plan to make Edgar governor and Robert Morrison secretary of the new Territory. This may have been true, for there were several plans advocated, and numerous candidates, but at the same time this annexation furnished the shortest and most certain road to slavery, and closer ties of blood and trade. The petition was presented to Congress, but it had other views, and by act of March 26, 1804, all of Louisiana south of the present south line of Arkansas was made the Territory of Orleans, and that to the north of this line was put temporarily under the government of the Governor and Judges of Indiana, but without being joined to Indiana, and was called the District of Louisiana. The act was to take effect on October 1, 1804, but possession of the District had been given to Captain Stoddard, for the United States, on March 9, and Congress had provided that the laws already in effect should continue until repealed or amended by the Governor and Judges of Indiana. Preparation was made during the summer, and on October 1, the Governor and Judges passed six laws for the District of Louisiana, including an elaborate law for the regulation of slavery, which remained in force in Missouri for many years after. The people of the District, however, objected to this anomalous form of government, and petitioned Congress for an independent government, which was granted on March 3, 1805.

Meanwhile the people of Wayne County were also clamoring for a separate territorial government, and with good cause. In a petition for separation prepared in October, 1804, it is stated that the laws passed by the Governor and Judges in September, 1803, had not been seen in the county. It is not easy at the present time to realize the difficulty of communication between the different parts of Indiana Territory, but Judge Burnet tells of one trip which will illustrate it. In December, 1799, he, with Mr. Morrison and Mr. St. Clair, had occasion to go from Cincinnati to Vincennes on legal business. They purchased a "Kentucky boat," or ark—a flat-boat commonly used on the Ohio, and in this loaded

their horses and provisions, and started down the river. On the afternoon of the fourth day they reached the Falls, where they abandoned the boat, and proceeded on horseback. The first two nights they camped out, on the trail to Vincennes, and the third night was passed in a deserted cabin, which they found on the bank of White River. He does not mention meeting a solitary white settler on the journey, except at the Falls, but they encountered a band of Indians, two panthers, a herd of buffalo, and a wildeat. There was snow or rain during the trips going and coming. The travel to Detroit from Vincennes was more difficult than this, and that to the Illinois settlements was at times as bad as in the days of Clark's campaign. From such difficulties there arose the consensus of opinion among the early settlers that the capital of a state or territory should be as near the center of population as possible, and, if possible, on a navigable stream. In response to the Wayne County petition, Congress passed an act on January 11, 1805, providing that after June 30 of that year the Territory of Michigan should be established. The news of this did not reach Indiana Territory in time to prevent action treating Wayne County as still a part of the Territory.

In the summer of 1804 the matter of advance to the second grade suddenly came up again; and this time from the Harrison party, which had opposed it three years before. Dawson gives Harrison great credit for the advance, and says: "notwithstanding the patriotism and disinterestedness which he evinced in that important business, he has been charged with being an ambitious man, and has brought upon himself the ire of the selfish land-jobbers among his neighbors, who did not hesitate to arraign his conduct, merely because they conceived their taxes would be raised to pay the expenses of a representative government."<sup>4</sup> But this was exactly the argument that Harrison had made three years before, and the people who had favored it before now opposed it. The argument made for it in 1804, from a statement supposed to have been made by Benjamin Parke, was this: "With agriculture improved, population increased, the counties of Wayne and Dearborn added to the territory; possessed of all the lands from the falls of the Ohio to the Mississippi, with the exception of the Pyan Kashaw claim, of no great extent, and which was shortly purchased; and offices established at Kaskaskia and Vincennes for the sale of public lands, it was thought that the measure might be safely gone into. To this advantageous change in our situation was added, that the expenses of the establishment would not exceed \$3,500 (I thought about \$3,000); that the people would be entitled to a partial representative government; that they would have the

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<sup>4</sup> Life of Harrison, p. 78

absolute control over one branch of the Legislature; that it would give them a Representative in Congress, and, although he would not be entitled to vote, yet from his situation he would acquire respect and attention, and would give a faithful representation of our situation, and that some sacrifices ought to be made to obtain even the partial exercise of the rights considered so dear and of such universal importance to the several States."<sup>5</sup> This looks plausible, but it does not account for the opposition, and it does not account for the extraordinary haste with which the measure was adopted. Harrison issued his proclamation on August 4, calling for a vote on the question on September 11. The call did not reach Wayne County in time to allow an election, and in the other counties the number of votes cast was in inverse proportion to their distance from Vincennes. Only 400 votes were cast in the entire Territory, and of these 175 were cast in Knox County, all but 12 favoring the change. The total majority for the change was 138, but outside of Knox County the majority was against it. So far as furnishing any satisfactory evidence of the wishes of the voters is concerned, the election was a farce, but Harrison acted on it, and on December 5, 1804, he issued his proclamation announcing the advance to the second grade, and calling an election for representatives to the legislature for January 3, 1805.

The move was manifestly political, and the apparent motive was the slavery question. A case had arisen which had brought it to the front. In the spring of 1804, Simon Vanorsdell, claiming to act as the agent of the heirs of John and Elizabeth Kuykendall, seized a negro named George, and a negress named Peggy, at Vincennes, and was about to carry them out of the Territory, when Harrison issued a proclamation forbidding it, based on information that Vanorsdell was "about to transport from the Territory certain indentured servants, without their consent first had and obtained, with a design as is supposed of selling them for slaves." Vanorsdell was arrested and indicted, and habeas corpus proceedings were brought for the release of the negroes. At the September term of the Territorial court, Judges Griffin, Vanderburgh and Davis all being present, the negroes were released on an insufficiency of evidence for their claimant, the court giving an opinion that they were fugitives neither from justice nor from slavery. Vanorsdell was also released, nobody appearing to prosecute. He at once rearrested the negroes, and a new habeas corpus proceeding was instituted, Harrison, General W. Johnston and John Johnson becoming bail for the negroes. At the June term, 1805, the negroes were produced, but George having indentured himself to Harrison for a term of eleven years, the claim as to him was dropped.

<sup>5</sup> Woollen's Sketches, pp. 3-9.  
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At the September term, Judge Vanderburgh, sitting alone, postponed the hearing as to Peggy until one or both of the other Judges were present. At the April term, 1806, Judges Davis and Vanderburgh heard the case and released Peggy, holding that she was not a fugitive from justice or from slavery; but they added to their decision this remarkable proviso: "But this order is not to impair the right that Vanorsdell (the defendant) or any other person shall have to the said negro girl Peggy, provided he, Vanorsdell, or any other person, can prove said negro Peggy to be a slave. Nor shall this order impair the right of said Peggy to her freedom, provided the said Peggy shall establish her right to the same." In other words, under a basic law which prohibited both slavery and involuntary servitude, and a local law that permitted slavery by indenture, the Supreme Court of the Territory were unable to decide whether this woman was a slave or not. This case must have produced an extensive discussion of fundamental principles at Vincennes, and the absurdity of a valid contract between a master and a slave in a slave state was probably realized. The Governor and Judges could not rectify the law, because they had power only to adopt the laws of the states. For this reason, and because it would give them a representative in Congress, which had been ignoring slavery petitions, who might obtain "the rights considered so dear," and especially the introduction of slavery. It is to be noted that Parke says "some sacrifices ought to be made"; and he also states in this same paper that in 1801, "the expenses of the second grade were, by some, estimated at about from \$12,000 to \$15,000."

The election was duly held, and the members elect convened at Vincennes on February 1, to nominate councilors, and pass on the credentials of members. The Wayne County delegation was dropped on account of the establishment of Michigan Territory, and the election in St. Clair was held void on account of the polling having been stopped by a mob of opponents to the second grade. This left only five members, but on April 18, the Governor called an election in St. Clair County for two representatives, to be held on May 20, and in July the legislature convened with the minimum number of representatives allowed by the division act. As soon as the composition of the legislature was known, Benjamin Parke was announced as a candidate for Congress. The Letters of Decius then began to appear in the Farmers Library, published at Louisville, bitterly criticising Harrison, and denouncing Parke as his tool, who wanted to go to Washington to secure Harrison's reappointment. They began on May 10, 1805, and continued at intervals until December 1, 1805, after which they were published in pamphlet



form. Prof. Homer J. Webster has identified Isaac Darneille as the author of the letters.<sup>6</sup> The Farmers Library was the first paper published at Louisville, the first number appearing on January 18, 1801. It was established by Samuel Vail, a disciple and protege of Matthew Lyon, the impetuous Irishman, who succeeded in making himself a martyr to the alien and sedition laws through his newspaper called "The Scourge of Aristocracy and Repository of Political Truth." Joshua Vail was the "associate editor and owner." Darneille was a native of Maryland, who came to Cahokia in 1794, being the second resident lawyer in Indiana Territory, preceded only by John Rice Jones. He had been a preacher, but was too much devoted to gallantry to last long in that line. He was a fine looking fellow, and probably caused more domestic infelicity in the Territory than any other one man of his time. Reynolds says: "He never married according to the laws of the country, but to all appearances he was never without a wife or wives. It was rumored that he left a married wife in Maryland who was an obstacle to a second marriage in this country." It certainly was an obstacle, for one of the laws of the Governor and Judges had made Bigamy a felony, punishable by death. In 1806 Harrison waited on Vail and demanded the name of the author of the letters. Vail called on Darneille for proofs, and as none were forthcoming he made a full retraction, which was published in his own paper, and republished in the Frankfort Palladium.

The legislature elected Parke to Congress, and passed a number of very fair laws; but the one law passed that attracted general attention was "An Act concerning the introduction of Negroes and Mulattoes into this Territory." This provided that a slaveholder might bring a slave, over fifteen years of age into the Territory, who might within thirty days enter into agreement before the clerk of a court of common pleas for any number of years of service to his master; and if he refused to make such an agreement the master could, within sixty days, remove him from the Territory. Any slave under fifteen years of age could be registered, and held without indenture, males until thirty-five years of age, and females until thirty-two. Children of indentured mothers were to serve their masters, males until thirty years of age, and females until twenty-eight. Indentured servants were not to be removed from the Territory without their consent, given before a common pleas judge. On a complaint of ill usage before a justice of the peace, the indenture might be cancelled; and if an indentured servant became free at the age of forty, or more, his master was to give bond of \$500 that the servant should not become a public charge. This law received newspaper publication that the

<sup>6</sup> Ind. Hist. Soc. Pubs., Vol. 4, pp. 292-3.

former law of the Governor and Judges did not, and therefore received attention outside of the Territory. The "Liberty Hall," of Cincinnati, published an abstract of the law, inclosed in turned rules, and said: "If it were possible, with tears of blood we are constrained to publish the following sketch of the law of Indiana Territory respecting Negroes." The "National Intelligencer" denounced it roundly as a violation of the Ordinance and a menace to the entire Union; and said that the Governor should be removed if he enforced the law, and that Congress should refuse Indiana admission to the Union until the law was repealed. Unfortunately the files of the only paper published in the state at this time are not preserved, but the law met condemnation in Indiana. Josiah Espy, who traveled through Indiana in 1805, says: "The Indiana territory was settled first under the same charter as the state of Ohio, prohibiting the admission of slaves, but the genius of a majority of the people ordering otherwise (the southern climate, no doubt, having its influence), the legislature of that territory during the last summer, passed a law permitting a partial introduction of slavery, much to the dissatisfaction of the minority. This circumstance will check the emigration of farmers who do their own labor, while the slave owners of the Southern states and Kentucky will be encouraged to remove thither; consequently the state of society there will be altogether different from that of Ohio. Its manners and laws will assimilate more and more to those of Virginia and Kentucky, while Ohio will, in these respects, more closely imitate Pennsylvania and the middle states."<sup>7</sup> It is hardly possible that these thoughts as to the effects of the law were confined to Mr. Espy. They manifestly present the political basis of the action; and it is certain that it was discussed in Indiana on that basis, for one of the correspondents of "Liberty Hall" says: "I have been making some enquiries respecting the growing population of Indiana Territory, but cannot find any comparison in the numbers to those who come to this state. The bait has not taken. The cunning slave-holder feels too flimsy a security to bring his horde to a country where the term of holding them is so precarious. And those who are opposed to that hellish traffic are afraid to risk themselves in a country where there is a prospect of its introduction." The inducement evidently did not appeal strongly to slave-holders, for though the population of Indiana proper increased from 2,500 in 1800 to 24,520 in 1810, the number of free negroes, as reported by the census of Indiana Territory, increased only from 87 to 393, and the number of slaves from 28 to 237. The increase of slaves in Illinois proper was, however, greater in proportion. The incoming anti-slavery population was locating chiefly in Clark and Dearborn counties.

<sup>7</sup> A Tour &c., p. 24-5.

This legislature also established a Court of Chancery—the only one in this region ever exclusively confined to chancery—which continued until 1813, John Badollet, Thomas T. Davis and Waller Taylor serving successively as chancellors. It also chartered the first corporations in the state—"the Borough of Vincennes" and "the Indiana Canal Company," the latter to construct a canal around the falls of the Ohio on



JOHN BADOLLET, FIRST CHANCELLOR OF INDIANA  
(From a portrait by Leseuer)

the Indiana side. Espy says of the latter: "At the late session of the legislature of Indiana a company was incorporated for this purpose on the most liberal scale. Books were opened for subscription while I was there, which were filling rapidly. Shares to the amount of about \$120,000 were already subscribed by men of the first standing in the Union. When the canal is finished the company intend erecting all kinds of water works, for which they say the place is highly calculated. From these it is expected that more wealth will flow into the coffers of the company

than from the passage of vessels up and down the river. If these expectations should be realized, there remains but little doubt the falls of the Ohio will become the centre of wealth of the Western World."

The legislature probably realized that the indenture law would not appeal strongly to slave owners, and they had another trouble in sight. During the summer a petition to Congress had been circulated in the Illinois country asking for the introduction of slavery and for a division of the Territory. The proslavery people of Knox County did not want division because it meant that the capital must soon be moved from Vincennes. A petition was therefore prepared asking for the admission of slavery, and proposing that the Territory be divided by an east and west line, instead of a north and south line, so as to make two states similar to Kentucky and Tennessee. There was some reason for this in the fact that the Indian title had been extinguished to the southern part of the Territory from the Falls to the Mississippi. This was adopted by the Council, but was rejected by the House. It was then signed by Benjamin Chambers, John Rice Jones and Pierre Menard, of the Council, and by Jesse B. Thomas, John Johnson, George Fisher and Benjamin Parke, of the House, and forwarded to Washington as "The petition of the subscribers, members of the Legislative Council and House of Representatives of the Indiana Territory, and constituting a majority of the two Houses respectively." This proposal for the division of the Territory by an east and west line completed the break between the proslavery factions in Indiana proper and the Illinois country. The Illinois people appointed a committee from the several townships of their region, which prepared another petition for the division of the Territory as provided in the Ordinance. All of these petitions were sent on to Washington, and also one from Dearborn County asking to be joined to Ohio, as a matter of convenience. The committee to which they were referred reported in favor of suspending the slavery clause, but no further action was taken. The legislature of 1806 made another petition to Congress for the admission of slavery, and similar petitions were sent in from the Illinois country. Again the committee of Congress reported favorably, but no further action was taken. The Indiana legislature of 1807 adopted another petition for slavery, and a formal resolution consenting to the modification of the Ordinance; and also adopted a revision of the statutes, including the indenture law.

Up to this time no petition had been sent from Indiana against slavery; and when I wrote my "Indiana, a Redemption from Slavery," thirty years ago, I said at this point, "The anti-slavery people were now thoroughly roused to the danger of the situation, and determined to make a vigorous resistance in Congress." I had not been able to find any

special cause for this change of policy, but some twenty years later there was made public one of the most remarkable secrets in the history of the United States—a secret which had been kept for more than a century. In the summer of 1786 there came to Kaskaskia John Lemen, a young Virginian, who had come down the Ohio with his family. Though only twenty-six years of age, he had been a soldier in the Revolution, and had made friends of some of the great men of the day, as may be gathered from his modest entries in his diary. On October 4, 1781, he records: "I carried a message from my Colonel to Gen. Washington today. He recognized me and talked very kindly and said the war would soon be over, he thought. I knew Washington before the war commenced." On the same day he says: "I saw Washington and La Fayette looking at a French soldier and an American soldier wrestling, and the American threw the Frenchman so hard he limped off, and La Fayette said that was the way Washington must do to Cornwallis." On the 15th he says: "I was in the assault which La Fayette led yesterday against the British redoubt, which we captured. Our loss was nine killed and thirty-four wounded." On the 19th he says: "Our victory is great and complete. I saw the surrender to-day. Our officers think this will probably end the war." After a short stay near Kaskaskia he located at New Design, a settlement some four miles south of Bellefontaine, Monroe County, Illinois, and, as the Indians were troublesome, built "the old Lemen fort." He was a notable hunter and Indian fighter, though he is better known in Illinois history as a Baptist minister and an active enemy of slavery. His wife was a daughter of Capt. Joseph Ogle, for whom Ogle County, Illinois, was named. The entries in Lemen's diary that are of especial interest to Indiana relate to his connection with Thomas Jefferson, and are as follows:

"Harper's Ferry, Va., Dec. 11, 1782.

"Thomas Jefferson had me to visit him again a short time ago, as he wanted me to go to the Illinois country in the North West, after a year or two, in order to try to lead and direct the new settlers in the best way and also to oppose the introduction of slavery in that country at a later day, as I am known as an opponent of that evil, and he says he will give me some help. It is all because of his great kindness and affection for me, for which I am very grateful, but I have not yet fully decided to do so, but have agreed to consider the case."

"May 2, 1784.

"I saw Jefferson at Annapolis, Maryland, to-day and had a very pleasant visit with him. I have consented to go to Illinois on his mission and he intends helping me some, but I did not ask nor wish it. We had a full agreement and understanding as to all terms and duties. The

agreement is strictly private between us, but all his purposes are perfectly honorable and praiseworthy."

"Dec. 28, 1785.

"Jefferson's confidential agent gave me one hundred dollars of his funds to use for my family, if need be, and if not to go to good causes, and I will go to Illinois on his mission next Spring and take my wife and children."

"Sept. 4, 1786.

"In the past summer, with my wife and children I arrived at Kaskaskia, Illinois, and we are now living in the Bottom settlement. On the Ohio river my boat partly turned over and we lost a part of our goods and our son Robert came near drowning."

"New Design, Ill., Feb. 26, 1794.

"My wife and I were baptized with several others to-day in Fountain Creek by Rev. Josiah Dodge. The ice had to be cut and removed first."

"New Design, May 28, 1796.

"Yesterday and to-day, my neighbors at my invitation, gathered at my home and were constituted into a Baptist church, by Rev. David Badgley and Joseph Chance."

"New Design, May 3, 1803.

"As Thomas Jefferson predicted they would do, the extreme southern slave advocates are making their influence felt in the new territory for the introduction of slavery and they are pressing Gov. William Henry Harrison to use his power and influence for that end. Steps must soon be taken to prevent that curse from being fastened on our people."

"New Design, May 4, 1805.

"At our last meeting, as I expected he would do, Gov. Harrison asked and insisted that I should cast my influence for the introduction of slavery here, but I not only denied the request, but I informed him that the evil attempt would encounter my most active opposition in every possible and honorable manner that my mind could suggest or my means accomplish."

"New Design, May 10, 1805.

"Knowing President Jefferson's hostility against the introduction of slavery here and the mission he sent me on to oppose it, I do not believe the pro-slavery petitions with which Gov. Harrison and his council are pressing Congress for slavery here can prevail while he is President, as he is very popular with Congress and will find means to over-reach the evil attempt of the pro-slavery power."

"Jan. 20th, 1806.

"As Gov. William Henry Harrison and his legislative council have had their petitions before Congress at several sessions asking for slavery

here, I sent a messenger to Indiana to ask the churches and people there to get up and sign a counter petition to Congress to uphold freedom in the territory and I have circulated one here and we will send it on to that body at next session or as soon as the work is done."

"New Design, Sept. 10, 1806.

"A confidential agent of Aaron Burr called yesterday to ask my aid and sympathy in Burr's scheme for a Southwestern Empire with Illinois as a province and an offer to make me governor. But I denounced the conspiracy as high treason and gave him a few hours to leave the territory on pain of arrest."

"New Design, Jan. 10, 1810.

"I received Jefferson's confidential message on Oct. 10, 1808, suggesting a division of the churches on the question of slavery and the organization of a church on a strictly anti-slavery basis, for the purpose of heading a movement to finally make Illinois a free State, and after first trying in vain for some months to bring all the churches over to such a basis, I acted on Jefferson's plan and Dec. 10, 1809, the anti-slavery element formed a Baptist church at Cantine creek, on an anti-slavery basis."

"New Design, Mar. 3, 1819.

"I was reared in the Presbyterian faith, but at 20 years of age I embraced Baptist principles and after settlement in Illinois I was baptized into that faith and finally became a minister of the gospel of that church, but some years before I was licensed to preach I was active in collecting and inducing communities to organize churches, as I thought that the most certain plan to control and improve the new settlements, and I also hoped to employ the churches as a means of opposition to the institution of slavery, but this only became possible when we organized a leading church on a strictly anti-slavery basis, an event which finally was marked with great success, as Jefferson suggested it would be."

"New Design, Dec. 10, 1820.

"Looking back at this time, 1820, to 1809, when we organized the Canteen creek Baptist Church on a strictly anti-slavery basis as Jefferson had suggested as a center from which the anti-slavery movement to finally save the State to freedom could be directed, it is now clear that the move was a wise one as there is no doubt but that it more than anything else was what made Illinois a free State."

Lemen kept his compact with Jefferson secret through his life, as he had agreed, and his children kept it after him, but in 1851, when Rev. John Mason Peck was pastor of Bethel Baptist Church—the one which Lemen had founded on "Cantine" (Quentin) Creek—they intrusted to him the preparation of an account of their father's life. Peck, known in

Illinois history as the founder of Rock-Spring Seminary, which later developed into Shurtleff College, and also as the author of an Illinois Gazetteer, and other books, was an old-time associate of the elder Lemen in the fight against slavery, and his statements add something to the meager recital of the diary. He says that at their meeting in 1784,



REV. J. M. PECK

Jefferson and Lemen "agreed that sooner or later there would be a great contest to try to fasten slavery on the Northwestern Territory," and that Jefferson "looked forward to a great pro-slavery contest to finally try to make Illinois and Indiana slave states, and as Mr. Lemen was a natural born anti-slavery leader and had proved himself such in Virginia by inducing scores of masters to free their slaves through his prevailing kindness of manner and Christian arguments, he was just Jeffer-



son's ideal of a man who could safely be trusted with his anti-slavery mission in Illinois." He says that Jefferson sent messages to Lemen when opportunity presented, and that Jefferson sent a contribution of \$20 to the new anti-slavery Baptist church when it was organized; and that when Lemen sent his agent to Indiana he paid him \$30 out of the money that Jefferson had supplied him. He quotes a letter written by Jefferson on September 10, 1807, to Lemen's brother Robert, who was then living near Harper's Ferry, Virginia, in which he says: "If your brother James Lemen should visit Virginia soon, as I learn he possibly may, do not let him return until he makes me a visit. I will also write him to be sure and see me. Among all my friends who are near, he is still a little nearer. I discovered his worth when he was but a child and I freely confess that in some of my most important achievements his example, wish and advice, though then but a very young man, largely influenced my action. This was particularly true as to whatever share I may have had in the transfer of our great Northwestern Territory to the United States, and especially for the fact that I was so well pleased with the anti-slavery clause inserted later in the Ordinance of 1787. Before any one had ever mentioned the matter, James Lemen, by reason of his devotion to anti-slavery principles, suggested to me that we (Virginia) make the transfer and that slavery be excluded; and it so impressed me that whatever is due me as credit for my share in the matter is largely, if not wholly, due to James Lemen's advice and most righteous counsel. His record in the new country has fully justified my course in inducing him to settle there with the view of properly shaping events in the best interest of the people." Mr. Peck concludes his account of Lemen's work in Illinois with this statement: "With people familiar with all the circumstances there is no divergence of views but that the organization of the Bethel Church and its masterly anti-slavery contest saved Illinois to freedom; but much of the credit of the freedom of Illinois, as well as for the balance of the territory was due to Thomas Jefferson's faithful and efficient aid. True to his promise to Mr. Lemen that slavery should never prevail in the Northwestern Territory or any part of it, he quietly directed his leading confidential friends in Congress to steadily defeat Gen. Harrison's pro-slavery petitions for the repeal of the anti-slavery clause in the Ordinance of 1787, and his friendly aid to Rev. James Lemen, Sr., and friends made the anti-slavery contest of Bethel Church a success in saving the state to freedom."<sup>8</sup>

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<sup>8</sup> These details are from Mr. Willard C. MacNaul's paper "The Jefferson-Lemen Compact" published by the Chicago Historical Society, in 1915. Much of the matter was published in the Belleville Advocate in 1908 and 1909.

The light thrown on the character of Thomas Jefferson by these records is of more than local interest. Unhappily, what passes for history and biography in the United States is largely nothing but post mortem politics, and few of our public men have escaped being painted in very dark colors by one group of writers while they are lauded to the skies by another. This is so notable that even a prosaic encyclopedia says: "Washington was accused of murder, treachery, corruption, hypocrisy, ingratitude, moral cowardice, and private immorality; Franklin was charged with theft, debauchery, intrigue, slander and irreligion; while the manifold charges against Lincoln remain within the memory of many now living; and there is nothing strange in the fact that Jefferson was accused of dishonesty, craftiness, slander, irreligion, immorality, cowardice, and incompetence."<sup>9</sup> It is a trifle strange, however, that with Jefferson's well known sentiments on slavery, he has been accused of trying to introduce slavery into Ohio. Ephraim Cutler was a member of the committee on the bill of rights of the Ohio, of which John W. Browne was chairman, and he records that: "Mr. Browne proposed a section, which defined the subject thus: 'No person shall be held in slavery, if a male, after he is thirty-five years of age; or a female, after twenty-five years of age.' The handwriting, I had no doubt, was Mr. Jefferson's. \* \* \* Mr. Browne observed that what he had introduced was thought by the greatest men in the Nation to be, if established in our constitution, obtaining a great step toward a general emancipation of slavery. This statement is reinforced by a statement that Gov. Worthington had told him, that Jefferson had told him, that he hoped such an article might be put in the constitution. A footnote adds the statement that A. H. Lewis said that Gov. Morrow, of Ohio, told him that he talked with Jefferson after the constitution was adopted, and that Jefferson said: "It would have been more judicious to have admitted slavery for a limited period." On the face of these statements it would appear evident that Jefferson, knowing that slavery already existed in Northwest Territory, thought that a gradual emancipation of the slaves would be more just than an immediate emancipation. That he wanted any more brought in, is hardly credible, as he was the only man in the United States at the time who had an agent in the Territory for the special purpose of keeping slavery out. It will be recalled that Jefferson's clause excluding slavery from the western lands, both north and south of the Ohio, was struck out on April 19, 1784; and it was on May 2, two weeks later, that he made his final agreement with Lemen to go west and fight slavery on the ground. Jefferson never gave up a fight if there was a chance to win by a change of tactics.

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<sup>9</sup> Encyclopedia Americana, Title, Jefferson.

The new anti-slavery Baptist church did not object to Jefferson's contribution as "tainted money." Jefferson was unpopular with the Congregationalists of New England on account of his fight against a state-supported church in Virginia, although the Virginia church was Episcopalian. But this did not hurt the feelings of the Baptists, who were taxed in both New England and Virginia to support churches that they did not believe in. The Virginia Baptists made a very able protest against this injustice in 1775, and sent an address to Washington in 1789, objecting to the lack of a guarantee of religious freedom in the new national constitution. Some of the Virginia Baptists had been preaching emancipation for some years, and one of them, Rev. James Tarrant, moved on into Kentucky, and later organized the association of Baptists, who called themselves "Friends to Humanity." Lemen's new church called itself, "The Baptized Church of Christ Friends to Humanity, on Cantine Creek"—"Cantine" being an Americanization of "Quentin." They adopted what were known as "Tarrant's Rules Against Slavery." At this time there were only two Baptist churches in Indiana proper. The second one was constituted on May 20, 1809, by Samuel and Phoebe Allison, Charles, Sr., Charles, Jr., Margaret, Achsah, William and Sally Polke, John and Polly Lemen, William and Sally Bruce, and John Morris, "a man of color." It was located in Knox County, near Vincennes, and was called the Maria Creek Church. Its tenth article of faith was in these words: "We believe that African slavery as it exists in some parts of the United States, is unjust in its origin and oppressive in its consequences; and is inconsistent with the spirit of the Gospel. But viewing our situation in this Territory, as the Law does not tolerate hereditary slavery, we think it inexpedient to meddle with the subject in a Church capacity." Apparently none of the members were slave-holders, hereditary or otherwise, for in February, 1812, Peter Hansbrough asked for admission to the church, and five of the then members objected on the ground that he was a slave-holder. The next month a majority of the members having decided to admit Hansbrough, all of the objectors except William Bruce withdrew their objections and "Bro. Bruce being unwilling to continue in union with slave-holders," was dropped out, though the church declared they "have no objections to his moral character as a Christian."

The first Baptist church in Indiana had been constituted on November 22, 1798, near Owens Creek (otherwise Fourteen Mile Creek) in Clark County, by John and Cattern Pettet and John and Sophia Fislar. In 1803 it was removed to "Silver Creek near the mouth of Sinking Fork" and was thereafter known as the Silver Creek church. This church took no stand on slavery, for on February 26, 1814, a brother

was reported for "treating his slaves ill." The examining committee reported that "although he had chastised his slaves, yet not so severely as reported," and recommended that "the brother ought to receive a caution for the future," which he duly received. There were, however, some Baptists in Clark County who were not in connection with this church, and there were numerous settlers there who were opposed to slavery, when Lemen's messenger arrived to urge action. A meeting was called for October 10, 1807, at Springville, an Indiana metropolis, which has since joined Babylon and Nineveh as civic memories. It was a mile or two southwest of Charlestown, and was the first county seat of Clark County. It flourished for a short time, being very popular with the Indians as a trading point on account of a distillery located there. The Indians called it Tul-ly-un-gi, or Tullytown, on account of a trader named Tully who had an establishment in the place. But in 1802 the county seat was removed to Jeffersonville, which had just been laid out on a plan suggested by President Jefferson, with the alternate squares reserved for parks, except that instead of running the streets between the squares, as proposed by Jefferson, the proprietor ran them diagonally through the park squares, in order to save ground, much to the disgust of Gov. Harrison, who had taken an active part in the correspondence with Jefferson concerning the matter. The meeting at Springville organized by electing John Beggs, who was a Baptist and an anti-slavery man, chairman, and Davis Floyd, secretary. A resolutions committee was appointed, composed of Abraham Little, John Owens, Robert Robertson, and Charles and James Beggs, brothers of the chairman. James Beggs had represented the County in the last legislature, and was familiar with the details of the legislative petition. He was probably the writer of the resolutions, which are strong and well-worded. James Beggs was very particular about grammar, so much so that he was called "Mr. Syntax" by his legislative associates. These resolutions are notable as containing the first known suggestion of "squatter sovereignty," as they ask that Congress make no change until the people are ready to form a state government; and the Senate committee to which these petitions were referred notes this fact in its report that "it is not expedient at this time to suspend the sixth article of compact." Presumably Lemen's messenger went to Dearborn County also, for the people there sent in a memorial stating that the legislature had passed an unconstitutional law as to slaves, and asking that the law be revised or that they be added to Ohio. It is probable that Congressmen adopted the squatter-sovereignty idea as a happy solution of the problem, for Benjamin Parke, who represented Indiana in Congress could get no action on the

matter, and after his return stated that Congress would not permit the introduction of slavery even if a majority of the people asked for it.<sup>10</sup>

The revelations of Lemen's diary not only explain the sudden awakening of the Indiana anti-slavery men, but also the continuous refusal of Congress to suspend the slavery proviso year after year, when committees were reporting in favor of its suspension. Jefferson's influence at the



JESSE B. THOMAS

time was enormous, not only in Washington, but throughout the country. It was felt still further in Indiana. When the legislature of 1808 met the proslavery people began a new effort for slavery by sending petitions to the legislature for another appeal to Congress. But now that the anti-slavery element had started petitioning they also kept at it, and the little legislative body was fairly stormed with petitions for and against

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<sup>10</sup> Western Sun, February 25, 1809.

slavery, winding up with a petition from William Atchison and others of St. Clair County, asking that all anti-slavery petitions be thrown under the table. Atchison was noted for vehement expression. William Morrison, whose principal mercantile house was at Kaskaskia, had several branch stores, and Atchison managed his store at Cahokia. On account of the high prices he charged, he was commonly known as "Chape Wollie." Reynolds tells of this eccentric Irishman inviting Rev. Benjamin Young, a Methodist circuit rider, to preach at his store one Sunday in 1807. The congregation was small, and by way of apology to the preacher, Atchison said to him: "For my part, I'd walk miles on Sunday, through briars and hell, to hear such a sermon as that ye prached; but these d—d French love dancing better than praching. An' Misther Young, could ye not stay with us to-night and go to the ball this evening?" His facetious petition itself escaped being thrown under the table by the narrow margin of one vote. It was no time for joking. The anti-slavery petitioners outnumbered their opponents by over 600, and they were mostly from the eastern counties. It was practically assured that the Territory would be divided very soon, and that Indiana would be left strongly anti-slavery. The Harrison party had begun going to pieces, and he had lost control of the legislature. By a combination of the anti-Harrison factions of proslavery men from the Illinois counties, and anti-slavery men from the eastern counties, the Harrison candidate for Congress was defeated, and Jesse B. Thomas of Dearborn was elected, but it was openly said that the Illinois representatives had required him to give bond that he would work for division before they voted for him. This was the first time that Harrison had failed to get his candidate for Congress elected, but a still more fatal blow was to be struck at his organization.

The slavery petitions were referred to a committee of which General Washington Johnston—the "General" is a name, and not a title—was chairman. He was a Virginian who came to Vincennes in 1793, and entered the practice of law. He ranked high in every way, especially in Masonry, being the customary local orator of the order on public occasions. Up to this time he had acted openly with the proslavery, Harrison party, but now he faced about. He said that he had always been morally opposed to the introduction of slavery, and had favored it as a representative only because his constituents did so<sup>11</sup> and there is no reason to question this. Indeed it is impossible that he could have had any such radical change of views if he had personally favored slavery before. On October 19, 1808, he made the committee's report, which was a paper that would do credit to any American statesman. It covers

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<sup>11</sup> *Western Sun*, February 4, 11, 18, 1809.

the entire range of the slavery question, and condemns slavery at every point; shows that slavery is inexpedient and undesirable, by comparing the slave states with the free states; declares the indenture law contrary to both the spirit and the letter of the Ordinance, and that "the most flagitious abuse is made of that law; that negroes brought here are commonly forced to bind themselves for a number of years reaching or extending the natural term of their lives, so that the condition of those unfortunate persons is not only involuntary servitude but downright slavery"; and concludes with a finding that it is inexpedient to ask Congress to modify the Ordinance, and that the indenture law ought to be repealed.

The source of much of his argument is unquestionable. Jefferson's Notes on Virginia were written in 1781-2 in answer to a series of queries from Secretary De Marbois, of the French Legation, who had been instructed by his government to collect information as to the colonies. Jefferson had a few copies printed for personal use, and a French edition, with some omissions was printed. In 1787 a public edition was printed, in the original form; and after Jefferson's death various editions were printed from an annotated copy found in his papers. There was a copy of this book in the Vincennes library at this time, and very probably other copies in the town. A comparison of one passage will show the relation of the two:

## JEFFERSON

"There must, doubtless, be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self love for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives

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a loose to his worst of passions, and thus nursed, educated and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. \* \* \* And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference. The Almighty has no attribute which can take side with us in such a contest."

JOHNSTON

"With respect to the influence which the practice of slavery may have upon morals and manners; when men are invested with an uncontrolled power over a number of friendless human beings held to incessant labor; when they can daily see the whip hurrying promiscuously the young, the aged, the infirm, the pregnant woman, and the mother with her suckling infant to their daily toil; when they can see them unmoved shivering with cold and pinched with hunger; when they can barter a human being with the same unfeeling indifference that they barter a horse; part the wife from her husband, and unmindful of their mutual cries tear the child from its mother; when they can in the unbridled gust of stormy passions inflict cruel punishments which no law can avert or mitigate; when such things can take place, can it be expected that the milk of human kindness will ever moisten the eyes of men in the daily practice of such enormities, and that they will respect the moral obligations or the laws of justice which they are constantly outraging with the wretched negro? \* \* \*

At the very moment that the progress of reason and general benevolence is consigning slavery to its merited destination, that England, sordid England, is

blushing at the practice, that all good men of the Southern states repeat in one common response 'I tremble for my country when I reflect that God is just,' must the Territory of Indiana take a retrograde step into barbarism and assimilate itself with Algiers and Morocco? With respect to its political effects, it may be worthy of enquiry how long the political institutions of a people admitting slavery may be expected to remain uninjured, how proper a school for the acquirement of republican virtues is a state of things wherein usurpation is sanctioned by law, wherein the commands of justice are trampled under foot, wherein those claiming the rights of free men are themselves the most execrable of tyrants, and where is consecrated the dangerous maxim that 'power is right.' Your committee will here only observe that the habit of unlimited dominion in the slave-holder will beget in him a spirit of haughtiness and pride productive of a proportional habit of servility and despondence in those who possess no negroes, both equally inimical to our institutions. The lord of three or four hundred negroes will not easily forgive and the mechanic and laboring man will seldom venture a vote contrary to the will of such an influential being."<sup>12</sup>

The effect of this report was remarkable, for the House at once concurred in it without division, and the House as constituted had stood five to one for slavery. Furthermore they at once took up the bill for the repeal of the indenture law which the committee had reported, put it through three readings, and passed it; and it was signed and sent to the Council that same morning. Five days later it was taken up by the Council, when only John Rice Jones, Shadrach Bond of St. Clair County, and George Fisher of Randolph, were present, and they defeated it without division. It would have been political suicide for the Illinois men to have passed the repeal bill, and yet all of them, including Rice Jones, the son of John Rice Jones, had voted for it under the spell of

<sup>12</sup> At this time all voting was by open announcement of choice at the polling place, and everybody knew how everyone else voted.



Johnston's report. The vote of the Council saved the indenture system for Illinois, where it made a great deal of trouble for many years afterwards. The bitterness resulting from this legislature was very deep; and this was evidenced by the burning of Jesse B. Thomas in effigy at Vincennes, and by the murder of Rice Jones at Kaskaskia by Dr. Dunlap. But the demonstrations of anger did no good, for Thomas went to Con-



JOHN RICE JONES

gress and secured all he had pledged. An act for the division of the Territory was approved on February 3, 1809, and he also secured laws making councilors and the delegate to Congress elective by the people, and putting the power of apportionment for the representatives in the hands of the legislature. He obtained for himself an appointment of Judge of the Territorial court of Illinois, and removed to that state, where he became prominent, being one of its first national senators. John

Rice Jones also left Indiana at this time, locating in Missouri, where he was for years a member of the Supreme Court.

Some of the descendants of Jones have felt outraged by mere historical statements about his career in Indiana, but they seem to have overlooked really severe criticisms of him, that were made while he had opportunity to answer them.<sup>13</sup> The historical truth is that, as the Territorial government advanced to higher grades, the Governor's appointing power decreased, and at the same time, by the growth of population, the number of necessary political allies increased, until there were not offices enough to go around. Influenced perhaps by a consideration of family or personal relation, Harrison put to the front a number of the later comers to the Territory, among them Waller Taylor, Benjamin Parke and Thomas Randolph, who were appointed to the class of offices to which Jones aspired. As long as Jones was in office he was a political friend of Harrison; when he went out of office he became Harrison's enemy, and there is no other visible cause for his change of attitude. To an unprejudiced observer, this would seem to come within the scriptural rule: "When it is evening, ye say, It will be fair weather: for the sky is red. And in the morning, It will be foul weather to day: for the sky is red and lowering." There can be no question that after Jones went out of office, Harrison was assailed in the newspapers by Jones, Elijah Bachus, and William McIntosh, who had been Territorial Treasurer. These attacks continued after Jones left the Territory, and it is a matter of judicial record that Harrison finally sued McIntosh for slander and recovered judgment for \$4,000. Harrison was usually fortunate in the character of his assailants; and in this case an interesting light is thrown on McIntosh—and incidentally on the Owens colony at New Harmony—by the following naive entry in the diary of William Owen, as to a visit to McIntosh: "We found a fine old man. His house is pretty large, but only partly finished inside. It is situated on a bank near the river opposite the rapids and in floods is quite surrounded by water. We were introduced to a black woman as his housekeeper but who seems to answer all the purposes of a wife, as he has three black children by her. Two of them are fine children. Mrs. J. McIntosh, who is from New Jersey, had informed us of them before, saying she would go often to see him, were it not that he had a black woman and that he fondled the little black things as if they were as white as snow. Mr. McIntosh showed us a number of papers relative to a meeting held at Vincennes by the French in order to reply to some insinuations made against their fidelity by Gen. Harrison. We had a good deal of conversation with him and he

<sup>13</sup> Woollen's Sketches, p. 373 et seq.

seemed much inclined to go all together with us. He appeared to be a deist. It rained in the evening. After we had supped the black woman and the children and a negro man sat down with us. They also remained in the room during the evening."<sup>14</sup>

The division act of 1809 left Indiana with its present boundaries except that the north line ran through the southern extreme of Lake Michigan, instead of ten miles north of it; and the strip east of the Wabash and west of a line drawn north from Vincennes was then put in Illinois Territory; and both of these so remained until added to Indiana when the state was admitted. Although the division act was approved on February 3, 1809, it did not reach Indiana for several weeks, and an election for delegates to the legislature was held on April 3 under the old law. This was of interest as showing public sentiment in Knox County, where there were five candidates, and two to be elected. One of the candidates was Thomas Randolph, then Attorney General of the Territory, and he was the only one who stated his position on slavery, which was as follows: "Your former delegate will inform you that Congress would not give its sanction to the introduction of slaves was there a majority of the citizens of the Territory in favor of it. You say, and I believe it probable, a majority is opposed to it. I differ with them in opinion; my voice would be in favor of the introduction. Let us not, however, agitate this question when more important subjects loudly demand our attention." The important subjects, as he explained at length, were foreign complications; but he did not explain what the legislature of Indiana Territory had to do with them. The election in Knox resulted, John Johnson 203, General W. Johnson 140, John Haddon 120, Thomas Randolph 110, Dennis Sullivan 66. On April 4, the day after the election, Harrison proclaimed the division, redistricted the Territory, and called an election for May 22. He could not have done this unless he had received the division act before April 3. But Congress had also passed a suffrage act which put the power of legislative apportionment in the legislature, and when Harrison received this he again let the election proceed, and the legislature was held illegal and void by Congress; and in consequence Indiana did not get a valid legislature until 1810.

The suffrage act also called for the election of a Congressman by the people, and as soon as it was received John Johnson and Thomas Randolph announced themselves as candidates. Johnson said nothing as to slavery, but he had always been a proslavery man. Randolph tried to trim. In his published address he said: "It is my belief that a great

<sup>14</sup> Ind. Hist. Soc. Pubs., Vol. 4, p. 113.

majority of the people of the Territory are opposed to me in opinion. I therefore yield the point. I think this question ought now to sleep. I think the interests of the Territory demand it; and should I be honored with your suffrages I will not make an attempt to introduce negroes into the Territory unless a decided majority of my constituents should particularly instruct me to do so." This situation opened the way for an anti-slavery candidate, and the man was at hand, in the person of young Jonathan Jennings. He was born in Hunterdon County, New Jersey, but his father, who was a Presbyterian preacher, removed to Fayette County, Pennsylvania, soon after Jonathan's birth; and here the boy grew to manhood, receiving a common school education, with some Latin, Greek and higher mathematics in a grammar school at Cannonsburg, Pennsylvania. He began the study of law, but in 1806 went west, coming down the Ohio in a flatboat to Jeffersonville, where he stopped for a time, and then went on to Vincennes. Here he completed his legal studies, and was admitted to the bar at the April term, 1807. Legal business was not abundant, and as he was a good penman, he found additional occupation as clerk for Nathaniel Ewing, Receiver of the Land Office, and put in a week helping copy the Revised Statutes of 1807. He also had a very brief journalistic experience. Elihu Stout, proprietor of the Vincennes Sun, was accustomed to get an "assistant editor" who was a partner, i.e., had as his compensation a share of the profits. He had fallen out with an assistant editor named Smoot, in November, 1807, and in December Jennings took the place for a couple of weeks, and then the partnership was "dissolved by consent." Possibly the difficulty lay in Jennings' slavery views, for Stout was a pronounced proslavery man. Jennings found that there was not much prospect for him at Vincennes, and decided to go back to Clark County. As he was starting, Ewing said to him, "Look us up a good candidate for Congress," and Jennings, who had apparently been giving the matter some thought, replied, "Why wouldn't I do?" After a brief talk, they agreed that he might be elected if he could get the support of the anti-slavery people of the eastern counties. The time was short. Jennings hastened to Charlestown, and consulted the Beggs brothers. A meeting was called, and he was accepted as a candidate. He then went on to Dearborn. In the southern district, where Captain Samuel Vance, a brother-in-law of Harrison, and General James Dill, a Harrison office-holder, were the leading politicians, he received no encouragement. In the northern district, where the Holmans, a Baptist family, were the leaders, a backwoods convention had been held, known later as "the Log Convention," and George Hunt had been selected as a candidate, but with the understanding that if Clark County had another candidate Hunt would be withdrawn; and Joseph

Holman had gone to Clark to learn the situation. Before he returned, Dill and Vance came up from Lawrenceburgh, and circulated charges against Jennings, and also induced Hunt to withdraw in favor of Vance. When Joseph Holman returned, Jennings made satisfactory explanation of the charges of Dill and Vance, and the Holmans gave him their active support. In the election Jennings got every vote in the northern district except that of George Hunt. The votes of Clark and Dearborn outbalanced those of Knox and Harrison, and the result was Randolph 402, Jennings 428, and Johnson 81. Randolph contested the election, and



TIPPECANOE BATTLEGROUND NEAR LAFAYETTE

the committee reported the election void, on account of irregularities in Dearborn County; but the House refused to concur in the report, and Jennings retained his seat. He defeated Randolph again in 1811; Waller Taylor in 1812; and Judge Elijah Sparks in 1814. His success was largely due to the slavery question, or rather to the recollection of it, which his opponents tried in vain to avoid. In addition to this, Jennings was unsurpassed as a frontier politician. He was thoroughly one of the people, joining in their sports and their work, while his opponents usually assumed some superiority over the masses in their style of life. Hence the Harrison party came to be called "the Virginia Aristocrats" and the Jennings party called themselves "the People"—

and they were, so far as carrying elections was concerned. The slavery question as a living issue, had been removed by the repeal of the indenture law by the legislature of 1810. The repeal bill passed the House easily, but in the Council the vote was a tie, and the bill was passed by the vote of James Beggs, President of the Council.

Harrison had raised enmity in another quarter. He had been instructed to extinguish the Indian titles in Southern Indiana and Illinois as rapidly as possible, and had been very successful in doing so. But in his treaties he had recognized only the tribes who had originally claimed the region. When Wayne treated with the Indians at Greenville, all of the Ohio Indians were thrown back into Indiana, but without having any lands assigned to them. All of them, Wyandots, Ottawas, Senecas of Sandusky, Delawares and Shawnees, joined in a request to him to assign lands to them, telling him that if he did not it "would bring on disputes forever." Wayne refused to do this, telling them that they best knew their own boundaries, and adding: "Let no nation or nations invade, molest or disturb any other nation or nations in the hunting grounds they have heretofore been accustomed to live and hunt upon, within the boundary which shall now be agreed on." This was impossible, because the Indiana Indians claimed all of Indiana. They did not object to the Ohio Indians living in their claimed Territory, and, indeed, seem to have given some assent to the idea that the Indiana lands belonged to all the tribes in common. At least Harrison wrote, in 1802, "There appears to be an agreement amongst them that no proposition which relates to their lands can be acceded to without the consent of all the tribes." But he did not undertake to get this general consent to any treaty, unless it was the treaty of June 7, 1803, by which only eight square miles were ceded. In this treaty three Shawnees joined, but in none of his other treaties in Indiana Territory did any Ohio Indian join, and apparently they were not consulted at all. By 1806 he had made five other treaties, for about 46,000 square miles of Indian lands in Indiana and Illinois; and when by the treaties of 1809 some 3,000,000 acres more were added, Tecumtha became defiant and said that the lands should not be taken. It was this claim for a common title that Tecumtha urged at the celebrated council at Vincennes on August 20, 1810, when, after threatening vengeance on the chiefs who had signed the treaties, he said to Harrison: "It is you that are pushing them on to do mischief. You endeavor to make distinctions. You wish to prevent the Indians to do as we wish them, to unite and let them consider their lands as the common property of the whole. You take tribes aside and advise them not to come into this measure; and until our design is accomplished we do not wish to accept your invitation to go and see the President."

This was the council that Tecumtha broke up by telling Harrison that he lied. After some attempts at resuming, in which he was told that the President would never admit his claims, he ended the negotiations by saying: "Well, as the great chief is to determine the matter, I hope the Great Spirit will put sense enough into his head to induce him to direct you to give up the land. It is true, he is so far off he will not be injured by the war. He may sit still in his town, and drink his wine, while you and I will have to fight it out."

Indian accused of witchcraft was certain of death unless he could prove his innocence, which was usually impossible. Three Indians were put to death on these charges, on White River, and the Moravian mission, which had been started just east of Anderson in 1801 was broken up. In 1808 the Prophet and his followers removed to Ki-tăp-i-kon-nunk at the mouth of the Tippecanoe River, and here the new religion flourished wonderfully, reaching the tribes far and near, in every direction. There were some depredations on the settlements, but the most alarming feature of the situation was the defiant attitude of the Indians. In the summer of 1811 it was decided that the safety of the frontier called for breaking up the Prophet's town, and on September 26 the main body of the forces called for the expedition started from Vincennes. Two miles above Terre Haute, Fort Harrison was built; and, the remainder of the forces having arrived, the march from that point began on October 28. On November 2, the army, which now consisted of about one thousand men, one-fourth mounted, and including nine companies of regulars, stopped two miles below the mouth of the Vermillion and erected a blockhouse, to protect the boats, in which the supplies had been brought thus far. On November 6, they came in sight of the Prophet's town, and after some parleying it was agreed that the troops should go into camp over night, and that a conference should be held the next day. The troops accordingly camped on what is now known as Tippecanoe Battle Ground; but a little after four o'clock in the morning the Indians attacked them. For two hours the Indians fought stubbornly, relying on the Prophet's promise to protect them by his magic, and then they fled in all directions. It was said by the Indians that the attack was due to the insistence of the Potawatomi chief, Winemac; and at a grand council of the Indians which was held on the Mississinewa River in May, 1812, Tecumtha said, "had I been at home, there would have been no blood shed at that time." However that may have been, the reputation of the Prophet was ruined, and that was the most important result of the battle, for in the ensuing hostilities the Americans were merely fighting Indians with British backing, and that was much less serious than fighting Indians who believed that a divinely inspired Prophet was guiding them.

During the year following the battle of Tippecanoe, nearly all of the Indians professed repentance, and desired to make peace, blaming the Prophet for having led them astray; but Harrison refused to make peace until they gave substantial evidence of a change of heart. His policy would probably have been successful if the war with Great Britain had not given the Indians new backing, with ample supplies. Henry Clay, and many others, imagined that all that was necessary for the conquest of Canada was to send some one to take possession, as Clark had done



with Vincennes. Never was there a greater mistake. England had an able and efficient man in charge in Gen. Brock, which was in marked contrast with the United States. Among all the crimes that have been charged to Thomas Jefferson, it is singular that nobody has dwelt on his appointment of Gen. Hull as governor, and Judge Woodward as chief justice of Michigan Territory. Woodward has been described as a man who would attempt "to extract sunbeams from cucumbers," and Hull evidently could not get cucumbers from sunbeams. When Congress formally declared war, on June 18, 1812, word was at once sent to



DEFENCE OF FORT HARRISON

Hull, which was received before the British in western Canada had any knowledge of it; but Hull promptly managed to let this dispatch, with the rest of his private papers, be captured by the British. Then the British sent an expedition which took the fort at Mackinac by surprise, before the commandant knew that war had begun, and they set all their agencies to work to stir the Indians to hostilities. Hull helped on the good work by sending orders to Captain Heald to evacuate the post at Chicago, and bring his garrison to Detroit. Heald started on August 15, and the troops were massacred by the Indians. If they had not been massacred there, they probably would have been elsewhere, as Hull surrendered Detroit to Brock on August 16. He was court-martialed afterwards, and sentenced to be shot, but was pardoned. He later published a lengthy

defense, in which he dwells on the things lacking to his forces, but does not mention that their one serious lack was a commander. Two weeks later the results were manifested on the Indiana frontiers. Fort Wayne was invested by hostile Indians and put in a state of siege. On September 3, Fort Harrison, which was held by Capt. Zachary Taylor, with a company of the Seventh regulars, was attacked by Indians under the Kickapoo chief Josey Renard (Na-ma-to-ha, or Standing, signifying Man-on-his-Feet), but it was successfully defended under circumstances ten times as disadvantageous as those that had confronted Hull; and so was Fort Wayne. On September 3, a war party of Shawnees invaded the Pigeon Roost settlement, in Scott County, and in a few hours killed one man and twenty-one women and children.

Fortunately Indiana was pretty well prepared for the storm. On April 16, Governor Harrison had issued general orders directing the militia officers to put their commands in readiness for active service, and warning the people to build blockhouses at convenient points, in which refuge could be found. These directions were followed in the spring and summer of 1812, and in consequence there was little loss of life after the first attacks. Governor Scott of Kentucky, was also active in preparation, and in August appointed Harrison General of the Kentucky militia which was to act for the defense of the frontier. As soon as news of the attack on Fort Harrison reached Vincennes, Col. Russell of the Seventh regulars marched from that place with 1,200 men, including one regiment of Kentucky volunteers, two regiments of Indiana militia, and three companies of "Rangers," who were State troops maintained by the United States. Fort Harrison was relieved on September 16. Meanwhile Gen. Harrison had marched from Piqua at the head of two thousand Kentuckians and seven hundred Ohio men, to relieve Fort Wayne, which was accomplished on September 12. On September 19 Gen. Harrison relinquished command of the troops at Fort Wayne to Gen. James Winchester, and on the 24th received orders to take command of the army of the Northwest. His orders, dated September 17, said: "Having provided for the protection of the western frontier, you will retake Detroit; and, with a view to the conquest of Upper Canada, you will penetrate that country as far as the force under your command will in your judgment justify." He at once entered on the work of preparation for this task.

Early in October, Gen. Samuel Hopkins led a force of two thousand mounted Kentucky volunteers from Vincennes on an expedition against the hostile Indians between the Wabash and Illinois rivers. After wandering rather aimlessly through the prairies for five days, his troops mutinied and returned home. The militia and volunteer forces of this period were wholly unmanageable unless they had confidence in their

officers, and this must be borne in mind to attain any just understanding of the service of Harrison, which was performed with troops of this character. His usual course on entering upon any hazardous or trying enterprise, was to tell his men what would be expected, and request any who did not relish what was before them to withdraw at the outset. At the same time that Hopkins started on his expedition, Governor Edwards of Illinois, marched from Cahokia with 360 men, including two companies of Indiana Rangers under Col. Russell, against the Kickapoo town at the head of Peoria Lake. The force destroyed the town, killed twenty Indians, captured eighty horses, and destroyed a large amount of corn and other Indian property, with a loss of only four men wounded. After his return from his first expedition, Gen. Hopkins made another one up the east side of the Wabash, with 1,250 men, and destroyed the Winnebago town on Wildeat creek, in which the Prophet had taken refuge after the battle of Tippecanoe. It contained "about forty houses, many of them from thirty to fifty feet in length," besides a number of huts. He also destroyed a Kickapoo town, on the other side of the creek, containing about one hundred and sixty cabins and huts, together with a considerable amount of corn and other supplies; and met with no casualties except that a detachment of Captain Beckes' Rangers fell into an ambuscade, and lost sixteen men killed and three wounded. Cold weather having set in, the force returned, after an absence of twenty days.

As a number of hostiles had gathered on the Mississinewa River, under orders from Gen. Harrison, a force of 600 men, commanded by Col. John B. Campbell, of the 19th U. S. Infantry, marched from Dayton, Ohio, against their villages on December 14. Early on the morning on the 17th they surprised a Miami and Munsey town near Jalapa, killed eight warriors, and captured eight warriors and thirty-six women and children. Confining his prisoners in two or three of the houses, Campbell had the rest of the town burned, and the cattle and stock shot; and then leaving his infantry to guard the prisoners, he proceeded down the river with two companies of dragoons, destroyed three more villages, killed a number of cattle, and captured some horses; after which he returned to the first village and camped. Shortly after four o'clock on the morning of the 18th his camp was attacked by a body of Indians which he estimated to number three hundred, and for an hour a fierce fight followed, in which eight of Campbell's men were killed, and forty-two wounded. The Indians were driven off, leaving fifteen dead on the field. As Campbell had lost a large number of his horses in the fight, a large number of hostiles were reported to be at the principal village, at the mouth of the Mississinewa—known as the Osage Village—and the

weather had become intensely cold, Campbell decided to return to Greenville. His return was slow, seventeen of his wounded being carried on litters, and when he arrived at Greenville, 303 of his men were so badly frost-bitten as to be unfit for duty. In his instructions to Campbell,



MI-CI-KI-NOQ-KWA—THE PAINTED TERRAPIN—KNOWN AS THE  
LITTLE TURTLE

(From the painting by Gilbert Stuart, made by order of President Washington, and destroyed when the British burned the capital in 1814)

Harrison had told him to avoid as far as possible any injury to chiefs who had been friendly, naming Richardville (Pin-je-wa, or the Wildcat), Silver Heels (Am-bau-wit-ta, or the Flyer), White Loon (Wa-pi-man-gwa), Pecan (Pa-ka-na, or the Nut), Charley (Ki-tuñ-ga, or Sleepy), and "the son and brother of the Little Turtle, who continued, to his last moments, the warm friend of the United States, and who, in the course

of his life, rendered them many important services." He also gave instructions to avoid injury to Francois Godfroy, who had a trading house near the mouth of the Mississinewa. The Little Turtle had died on July 14, 1812, at Fort Wayne, where he had gone for treatment for gout. He was buried there with military honors, and his grave was treated with veneration by the Indians for many years. Finally the city spread over it, and its location was forgotten, until, on July 4, 1911, some workmen making an excavation uncovered it. Fortunately this came to the notice of Mr. J. M. Stouder, of Fort Wayne, who gathered up and preserved the articles that had been buried with the chief, including the sword presented to him by President Washington. It was due to the efforts of Mr. Stouder that the grave was identified as that of the Little Turtle.

While these events were occurring, Harrison was preparing for operations against Detroit and Canada. His chief difficulty was in getting sufficient provisions and supplies for an army to a point that was within reach of his objective. The War Department seemed to think that all that was necessary was men; but the nearest point of supply was Cincinnati, and there was no road from there to the Maumee, except that the timber had been cut for the width of a roadway through part of the intervening forest, in the expeditions of St. Clair, Wayne and others. There has been much foolish criticism of Harrison for his delay in acting; but when one contemplates the absurdity of getting an army into a wilderness without supplies, and with no chance of getting them, it is apparent that Harrison's movement on the enemy was remarkably speedy. After the forest was passed, the difficulties became even greater, as will be seen from the following description by one familiar with it: "In this part of the country, one of the greatest difficulties which an army has to surmount is that which arises from the difficulty of transporting provisions and stores. At all seasons the road is wet and miry. The country, though somewhat level, is broken by innumerable little runs, which are generally dry, except during or immediately after a heavy rain, when they are frequently impassable until the subsiding of the water, which is generally from twelve to twenty-four hours. Another of the difficulties of transportation arises from the nature of the soil, which being generally a rich loam, free from stones and gravel, in many places a horse will mire for miles full leg deep every step."<sup>15</sup>

Scant notice has been given by historians to the herculean task of overcoming these difficulties, although Harrison's official papers indicate the agency through which they were surmounted. In his orders of September 19, 1812, when he turned the command at Fort Wayne over to

<sup>15</sup> Palmer's *Historical Register*, Vol. 2, p. 31.

Winchester, he said: "The supplies which have been reported to me, or ordered by me, are as follows: 400,000 rations of beef and 150,000 of flour, purchased by Mr. John H. Piatt, under the authority of Gen. Hull. A part of this flour, and about 50,000 lbs. of beef has been brought on and consumed by the army. The balance of the flour is either on the



TECUMTHA

(From the only known portrait—a pencil sketch by Pierre le Drou, a young trader at Vincennes. Probably not an exact likeness. Represents Tecumtha in his British uniform.)

way hither or to St. Mary's where it was to be deposited. I also directed Mr. Piatt to purchase and send on to St. Mary's, whiskey, and other component parts of the ration to make the 150,000 lbs. of flour complete rations."<sup>10</sup> On September 27, he wrote to Secretary Eustis, "Agreeably to the authority given me by your letter of the 17th I have appointed

<sup>10</sup> Dawson's Harrison, p. 295.

Mr. John H. Piatt deputy commissary; he is the same person employed by General Hull, and will, I think, make a most excellent officer."<sup>17</sup> On October 4, he wrote from Fort Defiance, "I have directed the commissary Mr. Piatt to procure all the wagons in his power for transporting the provisions from St. Mary's to this place."<sup>18</sup> On October 22, he wrote to Eustis, "I am not able to fix any period for the advance of the troops to Detroit. It is pretty evident that it cannot be done upon proper principles until the frost shall become so severe as to enable us to use the rivers and the margin of the lake for transportation of the baggage and artillery upon the ice. To get them forward through a swampy wilderness of near two hundred miles, in wagons or on pack horses, which are to carry their own provisions, is absolutely impossible. The enclosed extract of a letter just received from the commissary Piatt, will give you some idea of the state of the road, and the difficulty of getting provisions even to Defiance."<sup>19</sup> In fact Harrison depended on Piatt so fully that certain contractors, notably the firm of Orr & Greeley, accused him of favoritism, and intimated that he was interested with Piatt. On December 20, 1815, Harrison demanded a congressional inquiry into the matter, in which the accusing parties offered no proof, and the satisfactory character of Piatt's service was certified to by Generals James Taylor and James Findlay, and Col. Thomas P. Jesup; and the committee reported that "Gen. Harrison stands above suspicion."<sup>20</sup>

John H. Piatt was born in New Jersey, August 15, 1781. His father, Jacob Piatt, was one of five sons of John Piatt (Pyatt) whose family, being Huguenots, took refuge in Holland after the revocation of the Edict of Nantes. The sons located in New Jersey, prior to 1760, and three of them were officers in the Revolutionary army, and charter members of the Society of the Cincinnati; of these Jacob entered the army in 1775, and served to the close of the war. Another brother, William, after serving through the Revolution, raised a company for St. Clair's expedition in 1791, and was mortally wounded in the disastrous defeat of that year. His men undertook to carry him with them on the retreat, but he told them that they were wasting their time—to prop him up against a tree, with his loaded rifle in his lap to take one last shot at the redskins—and so they left him. His grandson, John James Piatt, kept his memory in his poem "An Unmarked Grave." John H. Piatt came to Cincinnati at the age of fourteen, and having a natural aptitude for business, acquired large wealth while quite young. He is mentioned by the Cin-

<sup>17</sup> Dawson's Harrison, p. 303.

<sup>18</sup> *Ib.*, p. 307.

<sup>19</sup> *Ib.*, p. 313.

<sup>20</sup> Am. State Papers, Mil. Aff., Vol. 1, pp. 644-61, 667.

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cinnati historians as one of the most enterprising and public spirited of the early business men of the place. An interesting account of his first step in supplying the army is preserved in a narrative by Samuel Williams.<sup>21</sup> Gen. Hull withdrew his army to Detroit on July 5, 1812, and on the 11th wrote to Gov. Meigs of Ohio, that he was short of provisions, and had authorized Piatt to purchase two months' supply. At the same time that he received this, Meigs received a message from Piatt, then at Urbana, that the supplies would be ready as soon as the escort asked by Hull was ready. The next morning Meigs called a meeting of the citizens of Chillicothe, and in two hours ninety-five men volunteered to go as an escort. They chose Capt. Henry Brush as commander, and the next morning, July 21, started on their march. At Urbana they picked up the train of "seventy pack-horses, each laden with two hundred pounds of flour, in a bag, lashed on a pack-saddle; and a drove of about three hundred beef cattle," and were joined by twenty soldiers of the Fourth U. S. Infantry. Williams' description of the march presents some of the features of frontier service, such as sleeping on the ground without tents, drinking from wagon ruts, and dining thus: "Our company is divided into 'messes' of six men each. Our rations are delivered together to each mess when we encamp at night. This consists of flour, fat bacon and salt. The flour is kneaded in a broad iron camp-kettle, and drawn out in long rolls the size of a man's wrist, and coiled around a smooth pole some three inches in diameter and five or six feet long, on which the dough is flattened so as to be half an inch or more in thickness. The pole, thus covered with dough, except a few inches at each end, is placed on two wooden forks driven into the ground in front of the camp-fire, and turned frequently till it is baked. Our meat is cooked thus: a branch of a tree having several twigs on it is cut, and the ends of the twigs sharpened; the fat bacon is cut in slices and stuck on these twigs, leaving a little space between each, and then held in the blaze and smoked till cooked. Each man then takes a piece of the pole bread, and lays thereon a slice of bacon, and with his knife cuts therefrom, and eats his meal with a good appetite. Enough is thus cooked each night to serve for the next day; each man stowing in his knapsack his own day's provision."

The train was following Hull's trace, and a few miles north of Findlay, "the expedition entered the Black Swamp, through which the road passed for many miles, much of which was almost impassable." They reached the Maumee on August 2, and on the 9th came to the River Raisin, where there was a post, and there they had orders from Hull to

<sup>21</sup> Ohio Valley Historical series, Miscellanies, No. 2. Cincinnati, Robert Clarke & Co., 1871.



stop until he sent a convoy. Hull tried this twice. His first detachment, under Major Vanhorne, was met by the British and Indians at Maguaga, and driven back to Detroit after a hard fight. Col. Miller was then sent with nine hundred men. He was met by the enemy at Brownstown, and defeated them in a fierce battle, but his force was so crippled that he returned to Detroit. A third detachment was sent, by a circuitous route, under Col. McArthur, but it did not get to its destination. On August 17, Captain Elliott, of the British army, arrived at the River Raisin under a flag of truce, with the astounding news that Hull had surrendered not only Detroit, but Brush's volunteers. Brush decided that Elliott was a British spy, and imprisoned him, but in the evening two Ohio soldiers who had escaped from Detroit, arrived with confirmation of the surrender. The Chillicothe volunteers did not propose to be surrendered, so at ten o'clock that night they released Elliott, and started for home, which they reached safely on August 23; however, the Government conceded that they were properly prisoners of war, and they were duly exchanged for British prisoners. They were fully convinced that Hull was a deep-dyed traitor; and for that matter so were most of the people of the West, though some only charged him with cowardice or incompetence. For years afterwards there was a popular western song running,

"Let General Hull  
Be counted null,  
And let him not be named  
Among Columbia's gallant sons,  
For worth and valor famed."

Piatt continued as Commissary General of the Army of the Northwest until January 26, 1814, when he entered into a contract to furnish rations to the army for one year from June 1, at a rate of twenty cents a ration. At that time the Government's credit was good, and it was paying its debts in gold and silver, "and as the usage then was to make advances in money to contractors, he retaining in his hands, as an advance from the department, the balance of the commissariat fund; which at the close of his engagements amounted to \$48,230.77." This contract was made with General John Armstrong, then Secretary of War, who retired during the year, whereupon James Monroe, then Secretary of State, acted also as Secretary of War. By June 1, the Government was financially embarrassed, and had to issue paper money, which at once went to a discount. In August the British captured Washington, and burned the capitol. A panic came on, and all the banks south and west of New York suspended specie payments. Prices of course went up, until supplies

could not be bought for less than forty-five cents a ration; but Piatt went on with his contract until December, when his drafts on the Government for supplies furnished, to the amount of \$210,000, had gone to protest. On December 26, General McArthur made a requisition on him for 800,000 rations, to be furnished within thirty days. Unable to comply, on account of the Government's failure to pay, Piatt hastened to Washington, and, as found to be the facts by the Court of Claims, "at a



JOHN H. PIATT

personal interview there with him, notified to Mr. Monroe, then Secretary of War, that he would furnish no more rations under the contract. Secretary Monroe admitted to Piatt the inability of the Government to comply with the terms of the contract on their part, both as to money already due, and as to money which might become due for future supplies. But the military exigency then rendering it necessary that a large quantity of rations should be furnished immediately for the Northwestern Army, it was thereupon agreed by parol, between Piatt and the

secretary, that if Piatt would furnish the rations which might be required, he should receive for them whatever price they should be reasonably worth at the time and place of delivery; and that the defendants (the United States), instead of paying as required by the terms of the original contract, should defer payment until such time or times as they should have the requisite funds."<sup>22</sup>

Under this agreement, Piatt furnished the army 730,070 rations, which the evidence showed to be worth \$328,531.54, and also furnished, under orders from the commander of the army, transportation and goods to distressed refugees of Michigan and friendly Indians, to the amount of \$63,620.48. But when he came to settle with the Government, Wm. H. Crawford, then Secretary of War, would only allow the original contract price of twenty cents a ration, refusing the parol contract because "by reason of what he considered countervailing evidence, he had doubts whether such assurances had been given. "Inasmuch as Mr. Monroe was then President, it can only be inferred that the "countervailing evidence" came from him. This presumption is supported by the fact that Piatt secured several statements addressed to the President, in support of the parol agreement, and the makers state that they made them at the request of the President, but this was at a later date. At the time, Piatt was allowed \$148,791.87, or the original contract price, for the rations, and the claim for what was furnished to the Indians and refugees was refused in toto. In September, 1819, while Piatt was in Washington trying to get nearly a quarter of a million dollars that was still due to him, the United States brought suit against him for the \$48,230.77 balance of the commissariat fund, which had been advanced to him on his contract. He was arrested on a *capias ad respondendum*, and would have been imprisoned but for the intervention of friends. As it was he was allowed to give bail, and remain "on the bounds" in Washington. On May 8, 1820, while this action was pending, Congress passed a private bill for his relief as follows:

"Be it enacted, That the proper accounting officers of the Treasury Department be, and they are hereby authorized and required to settle the accounts of J. H. Piatt, including his accounts for transportation, on just and equitable principles, giving all due weight and consideration to the settlements and allowances already made, and to the assurances and decisions of the War Department:

"Provided, That the sum allowed under the said assurances shall not exceed the amount now claimed by the United States, and for which suits have been commenced against the said Piatt."

<sup>22</sup> Piatt's Administrator vs. United States, 22 Wallace, p. 496.

Apparently Mr. Monroe was now convinced that he had given assurances, for he approved this bill. But no appropriation was made for the settlement; and the Second Comptroller and Third Auditor disagreed as to the meaning of the bill, the latter claiming that the total allowance could not exceed the \$48,230.77 for which the Government had brought suit, and the former holding that the limitation of the proviso applied only to the "assurances," i.e., the parole contract for additional rations. In consequence Piatt received nothing whatever, except credit for the amount for which the Government was unjustly suing him. The obvious injustice of the bill was in making any limitation, for if the assurances were not made, the Government owed Piatt nothing, and he owed it the \$48,230.77; but if they were made he was entitled to the full amount of his claim. Meanwhile he had borrowed money to appease pressing creditors, and had assigned his claim against the Government as collateral; and scarcely was he released from imprisonment on the Government's suit, when creditors had him arrested on another action for debt. Worn out by his vain efforts to obtain justice, and depressed by the financial ruin that faced him, he died on February 12, 1822, a prisoner on the bounds at Washington. Congressman John E. Follett, of Ohio, who later made a thorough study of the case, said that he knew of nothing in history to equal it since Columbus was brought home in chains.

Piatt had married Martha Ann Willis, a niece of Mrs. Nicholas Longworth, of Cincinnati, and after his death Nicholas Longworth and Benjamin M. Piatt, a brother of John H., were appointed administrators of his estate. They at once presented a petition to Congress asking for a construction of the bill of 1820. This went to a committee of which John Sergeant, of Pennsylvania, was chairman—he who was the Whig candidate for Vice President in 1832. Sergeant made a very careful investigation of the case in all its ramifications, and in his report pays high tribute to Piatt's honor and patriotism.<sup>23</sup> He supported the Comptroller's view of the act of 1820, and recommended an appropriation of \$63,620.48 to pay what was due for aid to refugees and friendly Indians, and this was done by act of May 24, 1824. The singular feature of the report is that while Sergeant found that Piatt had furnished the rations as claimed, and that they were worth what was claimed, he only urged on the House that the Government was making a good thing by settling on the basis recommended. Throughout the entire history of the case, nobody questioned that Piatt furnished the rations as claimed, or that they were worth what was claimed, or that the most disastrous results would have followed in the war if he had not furnished them. In the entire

<sup>23</sup> Am. State Papers, Claims, p. 894.

report, the only discordant note is a statement by Tench Ringold, who was Monroe's assistant, and whose statement conclusively established the parol agreement, that he "was certain that Piatt had made a fortune out of the contract." Sergeant disposed of this by letters from Judge Burnet, and John McLean, showing that in reality Piatt was ruined by it. As a matter of fact, at that very time Piatt owed the Bank of the



GOVERNOR POSEY

United States at Cincinnati, \$300,000, which he had borrowed to buy these rations for the Government, and which he had mortgaged his real estate to secure.

Piatt's sister Hannah, who had married Philip Grandin, his partner in the banking house of J. H. Piatt & Co., which is said to have been the first private bank in the Ohio Valley, was determined that justice should be done to her brother's memory, and she showed as much courage and persistence in her fight as Myra Gaines did in her long struggle for

justice. The claim for the balance due Piatt was kept before Congress almost continuously for years. Committee after committee reported favorably on it, but Congress took no action. Finally the Court of Claims was organized, and Mrs. Grandin was appointed administratrix *de bonis non*, and brought suit in the new court. At this point the representatives of the Government raised the new point that Piatt had barred suit by accepting the benefits of the act of 1820. The court divided evenly, and the case went to the Supreme Court of the United States, which, in 1875, gave judgment for \$131,508.90 in full of the amount originally claimed by Piatt, though four of the justices dissented on the theory of estoppel. The court held that the act of 1820 did not imply a final settlement, and that if it did, it could not estop Piatt, who was under duress when he accepted his release under the act, and his release was all that he received under it. Moreover, as Sergeant showed, Piatt had protested against the injustice of the act during its passage. No interest was allowed, under the legal fiction that the United States is always ready to pay its debts, when claims are properly presented. Ever since the Piatt heirs have been vainly trying to induce Congress to allow them the interest which any court would allow at once in a case between man and man.

It is probable that Piatt's heirs would never have recovered anything but for the fact that when he went to see Monroe he took with him John McLean, then Representative of the Cincinnati district, and later Justice of the Supreme Court. In 1857 Judge McLean made a statement in behalf of the heirs, which shows the probable cause of Mr. Monroe's forgetfulness. After a preliminary statement of the situation, Judge McLean says: "It would be difficult, if not impossible, at this time, to impress anyone fully with the distressing embarrassments of the Government at this time. \* \* \* Public credit seemed to be utterly prostrated. Under the circumstances, Mr. Piatt came to Washington with the determination, as I understood, to surrender the contract. He informed me that he had tried to have an interview with Mr. Monroe, acting Secretary of War, but was not admitted. I accompanied him to the private residence of Mr. Monroe, and we were admitted. Mr. Monroe was exceedingly feeble. I understood that he had not sufficient strength to go to his office. His system appeared to be nearly exhausted by the pressure of his public duties; and I observed that he was very nervous. I have no distinct recollection of the words used in the interview; nor whether Mr. Piatt or myself first stated to the Secretary the failures of the Government to meet his drafts; but I have a distinct recollection that Mr. Piatt expressed to me a strong determination, before the interview, that he should give up his contract, as it would be ruinous to him to

continue it under the circumstances; and on his return he expressed himself satisfied with the assurances given, and that at all hazards he would continue the supplies. I entertained no doubt, under the circumstances, the Government's failures had released him from the obligations of his contract, and this being the case he had a right to expect an indemnity. I did not understand that Mr. Piatt claimed anything more than this.

"I urged Mr. Piatt strongly not to withhold his supplies, and I could not have done this had I not believed the conversation with Mr. Monroe authorized him to rely on the assurances given. I am impressed that it was on the same occasion Mr. Monroe said that he had made temporary loans from the banks of the District of Columbia, and the adjoining states, for the use of the Government, and that these loans had become payable, and he had not the means of paying them. He said that treasury notes would not be taken in the North for provisions, and that unless Congress should do something to revive the public credit he was apprehensive that our northern army could not be kept in the field. These facts were so impressed upon my mind, and I have so often adverted to them in conversation and in writing, that I remember them as well as if I had heard them recently. \* \* \* When we had the interview with Mr. Monroe, I was but little acquainted with public affairs, and I have never recurred to the circumstances that I did not regret that a written assurance was not required. Before Mr. Piatt engaged in the above contract he had the means, as I supposed, of acquiring the largest fortune of any individual in Cincinnati. I think his resources were greater than those of any other individual of my acquaintance. I have always understood, and believed, that he was ruined by the contract. Being in Washington, urging his claims, I was informed and believe that he was arrested by a creditor, and that he was confined to the prison limits, where he died. This, as I believe, was the fruit of a devotion to his country, unsurpassed, if equalled, by any army contractor."<sup>24</sup>

Although Piatt's estate was announced to be insolvent after his death, it included a large amount of real estate. His administrators made a settlement with the Bank of the United States by which it took the mortgaged real estate for its debt of over \$300,000; after which they proceeded to sell the remainder, and buy most of it in themselves, in the name of third parties. This was not learned by Piatt's heirs for years afterwards; and then, in March, 1850, they brought suit for the recovery of these lands. This case was in the Ohio courts for twenty-five years, and at the December Term, 1875, the Supreme Court of Ohio gave the heirs judgment for about one hundred pieces of property, much of it in

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<sup>24</sup> This document, with the other evidence in the case, is in Printed Records of the Court of Claims, Dec. Term, 1872, Vol. 45, P to S, No. 2205.

the heart of Cincinnati. The original parties were now long since dead, much of the property had been reconveyed, and the settlement involved a lengthy accounting for rents, improvements, profits, etc., so the Longworth heirs offered the Piatt heirs a compromise settlement of \$400,000 in cash, which was accepted.<sup>25</sup> Half of this amount went for attorneys' fees, under contract, as was also the case in the recovery from the United States. Such was the wrecking of one of the finest estates west of the Alleghenies. Piatt's name belongs with those of Vigo, St. Clair and Pollock, as a man who let his patriotism get the better of his business judgment. But he saved the Army of the Northwest, and the Army of



BATTLE OF THE THAMES—DEATH OF TECUMSEH  
(From Brackenridge's History of the Late War)

the Northwest saved the United States in the War of 1812, by showing England that she stood fair to lose Canada; and that lesson has given a century of peace between the two countries since then.

There was no trouble in finding men for that war, on the American side. The indignation in the west over the employment of Indians increased with the surrender of Hull, and went to fever heat at the massacre at the River Raisin. The battle-cry of the western troops was "Remember the River Raisin." Detroit was reoccupied without resistance, and Perry's victory on the lake, and Harrison's victory on the Thames put an effective damper on British hostilities in the west. The career of Tecumtha also ended with the battle of the Thames, in which

<sup>25</sup> Piatt et al. vs. Longworth et al., 27 Ohio State, p. 159.



he was probably killed, though Harrison and his staff were not assured of it until after they returned to Detroit. He made almost as much disturbance in his death as in his life, for the question got into politics when Col. Richard Johnson was a candidate for the Vice Presidency. There are three lines of evidence, one that he was killed by Col. Johnson, one that he was killed by Col. Whitley, one that he was killed by a private named David King. Each of these is supported by affidavits and statements, neither of which would furnish satisfactory historical evidence if it stood alone.<sup>26</sup> There is also an Indian statement that he was not killed at the battle, but lived for some time later. It appears to be conceded that he is dead now. The conventional portraits of Tecumtha and the Prophet were originally published by Benson J. Lossing, who said that they were drawn by Pierre LeDru, a young trader on the Wabash, from whose son he obtained them.<sup>27</sup> There is, however no such name as LeDru, or LeDrou, given in Tanguay's *Genealogical Dictionary*, or in Lasselle's list of traders on the Wabash.<sup>28</sup> LeDru may be a nick-name, as it means "The Thickset," and French nick-names often became family names by adoption. There was a Père LeDru, whom Shea describes as "an apostate Dominican," who officiated for a time at Vincennes and in the Illinois country, and then took an appointment at St. Louis.<sup>29</sup> Possibly he was the artist who made the pictures.

Harrison's war activities took him away from Vincennes late in the spring of 1812, and Secretary John Gibson became acting Governor, and served until the arrival of Governor Posey, about a year later. His duties were largely military, in the keeping of the frontier in a state of defense. The most notable thing of his administration is that in his message to the legislature, which convened in February, 1813, he made the first known suggestion in the line of modern civil service reform in the United States. At that time the militia elected their own officers, and with little regard to fitness. Discussing the evils of this, Gibson said: "This evil having taken root, I do not know how it can be eradicated; but it may be remedied. In place of men searching after, and accepting of commissions, before they are even tolerably qualified, thereby subjecting themselves to ridicule, and their country to ruin, barely for the name of the thing, I think may be remedied by a previous examination. This, however, among other important territorial concerns, rests with the

<sup>26</sup> Drake's *Tecumseh*, p. 199.

<sup>27</sup> *Field Book of the War of 1812*, p. 189.

<sup>28</sup> *Ind. Mag. of Hist.*, 1906, p. 1.

<sup>29</sup> Shea's *Life of Archbishop Carroll*, pp. 471, 479; *Ill. Hist. Coll.*, Vol. 5, pp. 510, 515.

legislature."<sup>30</sup> The United States did not adopt any law for "pass examinations" until 1853, although they had been used for a few years earlier than that in the Treasury Department.<sup>31</sup> The test of "fitness" had been urged since the time of Washington, but the idea of ascertaining fitness by an examination was not suggested until long after Gibson had proposed it in Indiana. This same legislature of 1813 provided for the removal of the capital of the Territory to Corydon, and the removal was made that year.

Gen. Posey was serving as senator from Louisiana when he was appointed Governor of Indiana Territory by President Madison. The appointment was confirmed on March 3, 1813. He was a native of Virginia, born July 9, 1750, on a farm on the Potomac River, near Mount Vernon. He served in Dunmore's war, raised a company at the beginning of the Revolution, in 1775, and served through that war, served under Wayne in 1793, and raised a company in Louisiana for the war of 1812, from which he was appointed to the senate. He was identified with the old Harrison party in the Territory, being their candidate for Governor against Jonathan Jennings in 1816, but did not take any great interest in politics. In fact his health was so bad that he was unable to live at Corydon during most of his term, his physician living at Louisville, and, as he officially advised the legislature of 1813-4, "I have taken all the medicine brought with me." The legislature, which was not of his politics, was very conciliatory, and finally adjourned after authorizing the president of the council and speaker of the house, with the clerks of the two bodies, to receive bills and messages from the Governor, as if the houses were in session, and make the necessary entries, in order to avoid "the expense of near fifty dollars a day," which would result from keeping the legislature in session. The legislature and the Governor continued in admirable harmony during the remainder of the Territorial period; but the legislature and the Judges were not so harmonious. The legislature undertook to fix the districts in which the three judges of the Territorial Court should sit at nisi prius, and the judges promptly refused to obey the law, stating that they derived all their powers from Congress, and the legislature had no power over them. The legislature then petitioned Congress to make provision by which litigants could have their cases tried somewhere near their places of residence. The Jennings party had the legislature and the Congressman; and they were showing real political discretion in developing as little friction as possible with the Governor and the Judges. But they were

<sup>30</sup> Western Sun, Feb. 6, 1813.

<sup>31</sup> The Civil Service and Patronage, Harvard Hist. Studies, Fish, p. 183.

not losing any political opportunities. In December, 1815, when the legislature petitioned Congress for admission as a state, the leading issue of Territorial politics was deftly introduced as follows: "And whereas the inhabitants of this territory are principally composed of emigrants from every part of the Union, and as various in their customs and sentiments as in their persons, we think it prudent, at this time, to express to the general government our attachment to the fundamental principles of legislation prescribed by congress in their ordinance for the government of this territory, particularly as respects personal freedom and involuntary servitude, and hope they may be continued as the basis of the constitution."

## CHAPTER VII

### THE NEW STATE

There seems to be a hazy idea with some writers that there was a golden age in the United States when politics was unknown. If there was ever such a period in the world, it was in prehistoric times. The one constant factor in history is human nature; and wherever society has existed, there has been the desire for preferment, position and power. It is manifested not only in public life but also in societies, churches, and all the various kinds of organizations of mankind. The politics of early Indiana did not have the outward manifestations of the party organizations of the present, but it was of a very similar character, and office-holding and personal advantages of different kinds were its chief ends. National politics was at low ebb. The Federalist party was in a comatose condition, and nearly everybody called himself a Republican. Whenever that state is reached in any community, factions grow up within the dominant party which result in the formation of new parties. This condition had existed in Indiana Territory almost from its formation; and after the separation of Illinois Territory it crystallized as a Harrison and anti-Harrison division of the voters. Harrison, as Governor, controlled most of the local patronage, but from 1809, the anti-Harrison party, led by Jonathan Jennings, controlled the legislature and elected the delegate to Congress.

The chief division in matters of principle was on the slavery question, the Harrison party having tied itself hopelessly to the proposal to admit slavery to the Territory, and the Jennings party having openly opposed it. The greatest strength of the Harrison party was naturally in Knox, and adjoining counties where most of the slaves were held. Moreover, most of the Territorial officers lived at Vincennes, and had their property interests there. It was certain that the removal of the seat of government from that place would be a serious injury to local property interests; but it was equally certain that the remainder of the Territory would not long consent to its continuance on the western border. These considerations were the bases of the political issues of the later Territorial period. There were no formal party names, but there were some epithets used in discussion. In moderate discussion, the adherents of

Jennings were called his "friends," but this was intended and understood simply as his party friends. Jennings was an adroit politician. He had an important advantage over the opposition in the slavery question, and that issue was not allowed to die, even after the legislature of 1810 had repealed the indenture law. The repeal law practically annulled existing indentures by removing the provision for their enforcement by the courts; but there was no effort made to release the indentured servants. Indeed the anti-Harrison legislature of 1813 recognized the indentures by levying a tax of two dollars on "every slave or servant of color."

The first effort to remove the capital was in the legislature of 1811. While the members who wanted it removed from Vincennes were in large majority they were much divided as to where it should go. The location of the seat of government was an important factor in real estate prices, and every enterprising town wanted it. Madison was always active in looking after its own welfare, and it was first on the field. William McFarland, the active and able representative of Jefferson County, after much effort, succeeded in getting a law passed locating the capital at Madison—and then Governor Harrison vetoed it. General W. Johnston, who defended the Governor's veto, said: "The many and various attempts to remove it to Madison failed in either one or the other of the Houses, or before the Executive; for said he 'remove it to a more centrick seite, and it shall meet my most hearty approbation'." It is interesting to note that Johnston says to his Knox County constituents in this same article, "I have resigned my seat as representative; and have been honored by his Excellency Governor Harrison with the office of Attorney General of the territory and prosecuting attorney for your court."<sup>1</sup> The Madison people were naturally disappointed at losing their plum; and on January 20, 1812, Jennings presented to Congress the "representation of sundry inhabitants of Indiana Territory complaining of the arbitrary conduct of the Governor of that Territory in withholding his approbation to an act passed by the legislature, for the removal of the seat of the Territorial Government." But Jennings was not dependent on Madison for presenting to Congress the woes of Indiana. On January 1, he had presented two petitions from the legislature of 1812, one asking for admission as a state, and the other asking that "the inhabitants of that Territory may be authorized and empowered to elect the sheriffs of their respective counties." On the 13th the speaker presented a letter containing a protest against the petition for admission as a state, signed by James Dill and Peter Jones, members of the legislature. Jones was a Vincennes man, and a member of the Harrison party.

<sup>1</sup> Western Sun, December 28, 1811.

Dill was the chief representative of the Harrison party in Dearborn County, and was kept in office in that county by Harrison, as clerk, recorder and prosecuting attorney all through the Territorial period, as well as being in the legislature a large part of the time.

In April Jennings offered a resolution for a committee to inquire into the desirability of authorizing changes of venue in the Indiana courts. The official record says: "Mr. J. made a number of remarks on presenting his resolution. He lamented the general prevalence of a party spirit in the community, which, in the Territory in question, actuated every officer, from the Executive to the lowest—the judicial officers not excepted—inasmuch as to corrupt the fountain of justice. The sheriffs were appointed by the Executive, and juries selected at their discretion, etc. It was essential, he said, to the interest and welfare of every individual in the community, that the purity of jury trial should be preserved; and for that purpose, he wished some provision to be reported by the committee referred to in the resolution."<sup>2</sup> This evidently refers to charges then in circulation that the jury in the case of Harrison against McIntosh was packed. The committee requested was appointed, but did nothing. The legislature of 1813 then passed an elaborate law for changes of venue. This legislature also passed a law for the removal of the seat of government to Corydon. The removal was directed to be made by May 1, 1813, and, presumably, to forestall any failure on the plea that removal would be unsafe, it was provided that the Governor could call out "any number of militia that he may deem necessary for the more safe conveyance of any books, papers, or other thing by this act made necessary to be conveyed to the said town of Corydon." The choice of Corydon was not made until after a long contest. Madison was on hand again, with an offer of a donation of \$10,000, if given the capital, and the House voted for Madison, notwithstanding Harrison's former veto; but the Council would not consent to it. Charlestown, Lawrenceburg, Clarksville and Jeffersonville received some votes, and Corydon was finally accepted as a compromise.

The Jennings party now had everything except control of the appointments, and that could be obtained only by admission as a state. The request of 1812 for admission had been referred to a committee of which Jennings was chairman, and he had reported favorably, and introduced a resolution that Indiana should be admitted when it had 35,000 population. Congress, however, decided to wait for the 60,000 inhabitants stipulated by the Ordinance of 1787. This political warfare continued on the same lines after Harrison had ceased to be Governor, for his party

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<sup>2</sup> *Annals of Cong.* 1811-12, p. 1248.



JONATHAN JENNINGS OF CHARLESTOWN, INDIANA,  
FIRST STATE GOVERNOR  
(From a miniature owned by Mr. Willis Barnes)

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still existed, its leaders being the men whom he had put in office. Owing to the mode of party formation, the political controversies were in appearance personal, the assaults of the Harrison party being directed at Jennings, and the "counter offensive" at Harrison. This continued to the last. In 1816 Jennings introduced a resolution in Congress for an investigation of the conduct of Indian affairs in the Territory, which was under the Governor, stating expressly that it was not directed at Governor Posey, but at Gen. Harrison. The only material result of this was a warm attack on Jennings by the editor of the *Western Sun*.<sup>3</sup> With these facts in mind, it is easy to understand the political atmosphere in which the state came into being.

The legislature of 1814 sent a memorial to Congress asking for admission, which was presented by Jennings on February 1, 1815, and was laid on the table. In the meantime a census of the state was being taken, which was ready when the legislature met on December 4, 1815, and it showed a population of 63,897. The legislature at once prepared another memorial for statehood, which was presented in Congress on December 28, but was printed in *Niles' Register* on December 14. If there were any question as to the political complexion of that legislature, it would be disposed of by the concluding sentence of the memorial, which reads: "And whereas the inhabitants of this territory are principally composed of emigrants from every part of the Union, and as various in their customs and sentiments as in their persons, we think it prudent, at this time, to express to the general government our attachment to the fundamental principles of legislation prescribed by congress in their ordinance for the government of this territory, particularly as respects personal freedom and involuntary servitude, and hope they may be continued as the basis of the constitution." This memorial was referred to a committee of which Jennings was chairman, and on January 5, 1816, he reported an enabling act. Then followed a delay of three months, which was not due to any objection to the admission of Indiana, but to opposition to the admission of Mississippi. It was here that Congress inaugurated the "twin state" process, i. e., admitting a free state and a slave state at the same time. The enabling acts for the two states finally passed the House on April 13, 1816, at the same sitting and without any intervening business. On Monday, the 15th, the House concurred in the Senate amendments, and on April 19 the bill was signed by the President.

Meanwhile the opponents of the Jennings party had trained their guns on Jennings in the columns of the *Sun*. On January 20 there began a series of articles signed "Farmers & Patriots Rights," complaining

<sup>3</sup> *Annals* 14th Cong., p. 1273; *Western Sun*, April 20, 1816.



of a proclamation which President Madison had issued in December ordering people who had settled on the public lands, that had not been offered for sale, to be removed; and urging that he had no authority to do so under the land law of 1807. On February 10, "A Settler" joined in the discussion, suggesting that the President had been imposed on by designing advisors, and adding: "Might not Mr. Jennings (as I have no doubt his cunning lead him) say to himself, my friends make the representations to the President, get the proclamation issued—and then I can move Congress to pass a special act or resolution excepting the settlers on the public lands in the Indiana Territory. Then, forsooth, I can, with more assurance & prospect of success, offer as a candidate for Governor of the state. And this deep laid scheme I am informed is going fast into operation. The proclamation issued—The motion made and Jonathan Jennings declared by his friends in this quarter of the territory as a candidate for the Gubernatorial chair!!! Let my fellow citizens judge these men—they want offices." To this, "Farmers & Patriots Rights" offered a feeble defense on the 17th, insisting that the President was to blame, and saying: "Mr. Jennings at the present moment is discharging his duties as the peoples representative, and such of his particular friends here as I am intimate with, are pure, incapable of such conduct, and should be unsuspected." Then, on February 24th, "A Settler" replied with an inquiry as to the occupation of Mr. Jennings in past moments, and sarcastic comment on his "duties," and the purity of his friends, concluding his article: "Mr. Jennings and his friends should no longer be confided in—they must no longer force themselves upon the people—if they have only studied their own selfish and contracted views, their ascendancy will be more injurious hereafter than it has been heretofore—our approaching change into a state points to the necessity of changing men also, and for that change I pray."

This assault had little effect. It was glaringly inconsistent in holding Jennings up as the power behind the throne who was controlling the action of the President, and at the same time portraying him as an insignificant character; and the whole alleged controversy was on its face either the work of one man, or of two acting in conjunction. It was promptly charged that John Ewing was the author of all of the letters. This he denied with a show of great indignation at being charged with such base conduct, but he did not deny that he was the author of "Farmers & Patriots Rights," and he clearly intimated that he knew "A Settler," to whose personal character he paid high compliment.<sup>4</sup> The only public attention paid to the attack by Jennings was the publication.

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<sup>4</sup> Western Sun, Aug. 17, 1816.

on March 30, of his bill for the relief of the settlers who had been ordered out of the public lands, which gave them the right of pre-emption on lands actually occupied by them.

On May 3 the Sun published the enabling act, stating that it had been received the day before, and assailed Jennings for allowing only ten days for preparation for the election, which was set for May 13. This complaint was feeble, for the memorial of the legislature had expressly asked that the election be held on that date, and the Sun had published the memorial on January 27, with the clause as to the date of the election in italics; and it had thereafter printed several notices of the progress of the bill, with assurances that it would pass. This was generally understood throughout the Territory. The correspondence above quoted is based on the announced facts that Indiana was to be a state, and Jonathan Jennings was to be a candidate for Governor. Like the other attacks of the Sun in this campaign, it failed to do any damage. The principal attacks had been made in the Sun of April 20. One of these, signed "Farmer of Knox County," complained of the change of the payment of congressman from a per diem basis to a salary, observing that whereas Jennings had heretofore "received six dollars a day of the people's money," he would now get fifteen hundred dollars a year. He also objected to a law, for which Jennings had voted, giving to Canadians who had volunteered in our army in the war of 1812 a land bounty, ranging from 960 acres for a colonel to 320 acres for a private. But the war was too recent, and the sense of obligation to the Canadians who had sacrificed their interests in Canada from sympathy with the American cause was too strong, for this to arouse any material complaint. A third, and more substantial charge was that Jennings had attended a caucus at Washington for the nomination of a candidate for President "thus influencing improperly the free and unbiased voice of the people on that important subject." But, on the other hand this demonstrated that the insignificant Jennings must be a man of some importance in Washington.

While the attacks of the Sun did little damage, it gave the Jennings party aid and comfort by opening its columns to a discussion of the slavery question early in the campaign.<sup>5</sup> This so quickly and thoroughly aroused the people that Mr. Timothy Flint, who was traveling in the Territory at the time, was impressed with the idea that it was the only thing in issue. He says: "The population was very far from being in a state of mind, of sentiment, and affectionate mutual confidence, favourable to commencing their lonely condition in the woods in har-

<sup>5</sup> Western Sun, Feb. 3, March 2, 20.

monious intercourse. They were forming a state government. The question in all its magnitude, whether it should go a slave-holding state or not, was just now agitating. I was often compelled to hear the question debated by those in opposite interests, with no small degree of asperity. Many fierce spirits talked, as the clamorous and passionate are accustomed to talk in such cases, about opposition and 'resistance unto blood.' But the preponderance of more sober and reflecting views, those habits of order and quietness, that aversion to shedding blood, which so generally and so honorably appertain to the American character and institutions, operated in these wildernesses, among these inflamed and bitter spirits, with all their positiveness, ignorance, and clashing feeling, and with all their destitution of courts and the regular course of settled laws, to keep them from open violence. The question was not long after finally settled in peace."<sup>6</sup>

That this was the chief matter of consideration in the election of May 13 is shown by the following statement in the next issue of the *Western Spy*, an Ohio paper: "A gentleman of respectability from Indiana informs us that from the sentiments of the members elected to the convention as far as they are known, he has no doubt that a constitution will be formed which will exclude involuntary slavery from that rising state. We sincerely hope this expectation will be realized."<sup>7</sup> There is scant room to doubt that the counties were all pretty thoroughly organized on the established party lines long before the enabling act was passed, and the Jennings party won by an overwhelming majority. They carried all the counties but Knox, Gibson and Posey, with the exception of a few scattering delegates elsewhere. In its issue of May 3, announcing the election, the *Vincennes Sun* announced the following named persons as candidates: G. W. Johnston, J. Ewing, W. Wilson, G. R. C. Sullivan, S. T. Scott, John Badollet, William Polke, John Johnson, Benjamin Parke, and Elias McNamee. It ingenuously stated that it had not consulted these gentlemen, but that it considered them desirables. It was more probably announcing agreed-on names of strong men in its own party, and weak ones of the opposition party. Benjamin Parke, John Badollet, William Polke and John Johnson were strong men of the Harrison party, and were elected. General W. Johnston was as able a man as there was in the Territory, and might have been elected in any anti-slavery county, but he had killed himself with the Knox County voters by his stand against slavery. John Ewing was an able man, but he was then a comparative new comer at Vincennes, was of Irish birth, and

<sup>6</sup> *Recollections of the Last Ten Years*, p. 57.

<sup>7</sup> Quoted in *Liberty Hall*, May 27, 1816.



FIRST STATE HOUSE OF INDIANA, LOCATED AT CORYDON

was charged in the campaign with being pro-British, which was about as popular then as being pro-German is at present. G. R. C. Sullivan was an active young lawyer, but was a new comer, not well known and not popular. Dr. William Wilson was a new comer, and not popular. Dr. Elias McNamee had long been known as an anti-Harrison man, was very unpopular politically at Vincennes, and could not have been elected to anything. On May 11, two days before the election, the Sun announced four more names—"Moses Hoggett, John Benefield, — Posey, and Ebenezer Jones." Benefiel had some personal popularity, and was elected, chiefly, no doubt, on account of the weakness of the Sun's other candidates. He was the only anti-slavery man that was elected from Knox County.<sup>9</sup>

On June 10, as provided by the enabling act, the convention assembled at Corydon, all of the members being present except Benjamin Parke, who did not appear until the 14th. Corydon would not be classed as overgrown at present, but it is quite metropolitan as compared with what it was in 1816. The town had been laid out in 1808 by R. M. Heth. On December 8, of that year, Harrison County was organized, and Corydon was made the county seat. The court house was built in 1811-12 by Dennis Pennington, and was a rather imposing building for the time in Indiana. It was built of limestone, and was forty feet square. The foundations were three feet under ground, the walls two and a half feet thick in the first story and two feet in the second story. On the lower floor there was but one room, with a stone floor and two fire places, and a ceiling fifteen feet high. Originally there was a stairway from the lower room to the second floor, but in 1873 this was removed to the outside of the building. This building was the Territorial and State capitol from 1813 to 1825, the House of Representatives meeting in the lower room and the Council—later the senate—in the rooms above. It was in this building that the convention of 1816 met, though at times they held sessions under a wide-spreading elm tree, some two hundred yards away. There were not accommodations in the town for the convention crowds. Sometimes there were as many as eighty non-residents there in one day. Hence most of the delegates lodged at a hotel a mile east of town on the road to New Albany, a fine old limestone building, built in 1809 by Jacob Conrad, a Pennsylvania Dutchman, and still standing and used as a residence. It is now known as the old Capitol Hotel. There is here a fine spring which is said to furnish excellent water for mixed drinks.

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<sup>9</sup> This name is commonly printed Benefield, or Bennefield in local histories, but he wrote it Benefiel.

The members of the convention were as good an assembly as could have been picked in the Territory, men in whom the people trusted from personal acquaintance with them. Joseph Holman was the leading man of the four delegates from Wayne County, and had been a close friend of Jennings ever since the campaign of 1809. He served in the war of 1812, and had a blockhouse on his farm near Centerville. He was prominent in the state for years afterwards, among other official positions being receiver of public moneys for six years under appointment from President Monroe. With him were two North Carolina Quakers, Patrick Baird and Jeremiah Cox, who had come North to get away from slavery, and Hugh Cull, a Methodist circuit rider and local preacher. Cull located in the Whitewater Valley in 1805, and at the close of 1808 he and Joseph Williams had 165 white and one colored member in the circuit. At the head of the five delegates from Franklin County was James Noble, a lawyer of Virginia birth, and one of the most effective public speakers in the Territory. He was a militia general, and when mounted on his charger, "Wrangler," was an impressive military figure. He was one of the first senators from the new state. With him was Robert Hanna jun., better known as Gen. Robert Hanna, also a fine looking military man, who succeeded Noble in the Senate at the latter's death in 1831. The others were Enoch McCarty, a prominent citizen of Brookville, as was his father before him, who served later as legislator, clerk and judge; William H. Eads, uncle of Capt. J. B. Eads the celebrated engineer, who had a store and a tannery at Brookville; and James Brownlee, father of Judge John Brownlee of Marion, who was a Pennsylvanian of Scotch-Irish descent, and who represented the county in the legislature for four sessions, and at the time of his death in 1828, was circuit judge.

The Dearborn County delegation was not united politically. James Dill was the head of the Harrison party in the county. He had married a widowed daughter of Gov. St. Clair, whose daughter by her former marriage was the wife of Thomas Randolph, the former Attorney General of the Territory. Dill was of Irish birth and a lawyer by profession, who was clerk of the local courts, Territorial and State, for about thirty years. He paid much attention to dress, wearing knee-breeches with silver buckles, and a long, carefully plaited queue; but notwithstanding this fastidiousness he was popular with the people for his wit and his courtly politeness. His election was due to his personal popularity, for the people of Dearborn were not with him politically, nor were his colleagues Ezra Ferris and Solomon Manwaring. Ferris was a native of Connecticut, brought west by his parents in 1789, when six years old, but educated in the East, and licensed as a Baptist preacher. He practised

medicine and kept a drug store at Lawrenceburgh, preaching for the Baptist churches of the vicinity. He was the backbone of the Baptist church in the county, and wrote the best account we have of the early settlement of the region.<sup>9</sup> Manwaring was a lawyer, born in Delaware in 1776. He was made a Common Pleas Judge in 1810, and after the Councilors were made elective, was elected to the Territorial Council from 1810 to 1816. Switzerland County's one delegate was William Cotton, who was one of the county's earliest settlers, having located on Indian Creek in 1798. At the first recorded Fourth of July celebration, in 1805, he read the Declaration of Independence, and John Francis Dufour made the oration. Cotton served as a justice of the peace and an associate judge. His popularity is shown by the fact that in the election for the convention he defeated John Dumont, who was a very prominent man, later a candidate for Governor. It may be noted here that this election did not go by default. There were rival candidates in all the counties, and two contested elections reported to the convention.

The ablest man in the Jefferson County delegation was Dr. David Herve Maxwell, who was a son of Bezaleel Maxwell, a Virginian Revolutionary soldier, who located three miles southwest of Hanover in 1810, and who left a large line of descendants, including a number of the most prominent people of Indiana. David H. Maxwell read medicine in Kentucky with Dr. Ephraim McDowell, the man who performed the first operation of ovariectomy in the United States. He practised medicine at Hanover and Madison until 1819, and then removed to Bloomington. He was the chief factor in the establishment of the State University, and was a member of the Board of Trustees, usually president, until his death in 1854. Maxwell Hall at the University commemorates him and his son, Dr. James Darwin Maxwell. During the war of 1812 Maxwell served as surgeon in the Ranger company of his brother-in-law Capt. Williamson Dunn. The other two delegates from Jefferson, Nathaniel Hunt and Samuel Smock, had been officials in Jefferson County for a number of years; Hunt serving as county commissioner and associate judge, and Smock as justice of the peace, militia officer, Judge of the Common Pleas Court, and Judge of the Circuit Court.

The leader of the Clark County delegation, and the master spirit of the Convention, was Jonathan Jennings. With him was James Scott, an able judge who had been appointed Prosecuting Attorney of Clark County in 1810; and elected to the Territorial House of 1813, of which he was Speaker, and from which he resigned on being appointed Chancellor of the Territory. The remaining three delegates from Clark were

<sup>9</sup> Ind. Hist. Soc. Pubs., Vol. 1, Appendix.

James Lemon, John K. Graham, and Thomas Carr. Lemon had been a justice of the peace, and a popular militia officer. Graham was a surveyor, and was later one of those who located the Michigan Road. Thomas Carr was born in Chester County, Pennsylvania, December 12, 1777. His father died in 1784, and he went to live with an uncle at Perrysville, Kentucky, where he grew up, married, and in 1804 removed to Indiana, locating near Charlestown. In 1813 he moved to Valonia, where he had command of the blockhouse. He had two bachelor brothers, John and Samuel, who were in the mounted Rangers, and were with Harrison at Tippecanoe. In 1816, after the war, he located on a farm on "Pea Ridge," where he lived until his death, March 10, 1847. He was the father of George W. Carr, the President of the Constitutional Convention of 1851, and John F. Carr, who was a delegate to the Convention of 1851.

There were two men of commanding natures in the Harrison County delegation. Dennis Pennington, who came to the county in 1802, had been a justice of the peace since 1807, and was speaker of the House of Representatives in 1811 and 1815. His strong common sense and sterling character made him the most influential man in the county. He was later noted as a personal friend and supporter of Henry Clay. Davis Floyd was better educated, being a lawyer by profession, and very effective before a jury. He also kept a tavern and operated a ferry at the Falls of the Ohio. Governor Harrison had early made him a favorite, appointing him Recorder in 1801, Sheriff in 1802, and Pilot at the Falls in 1803. But Floyd became involved in the Aaron Burr conspiracy, and in 1808 Harrison revoked his commissions, possibly at the suggestion of President Jefferson; though Floyd's acting as Secretary of the anti-slavery convention at Springville in 1807 may have reconciled him to the action. There is no question that Floyd and Robert A. New were Burr's agents at Jeffersonville, or that they raised two boat-loads of men there, who accompanied Burr on his expedition. Floyd was indicted and convicted, and received a depressing sentence of three hours imprisonment. He had been elected Clerk of the House of Representatives while he was under indictment, and was made Auditor of the Territory in 1813. New was elected assistant secretary of the convention of 1816, and Secretary of State by the first state legislature. It is not apparent that Burr's treason was very odious in the West, and it certainly had little effect on the public esteem of these men. It may be added that Floyd was a prominent Mason, and one of the founders of the Grand Lodge of Indiana. With Pennington and Floyd were John Boone, Daniel C. Lane and Patrick Shields. Boone, better known as Squire Boone, was a brother of Daniel Boone, who had come from Ken-



tucky in 1802, and had been a justice of the peace since 1808. Lane had been associate judge, and was the first Treasurer of State, serving for seven years. Shields was an Irishman, who came to Indiana in 1805, after previous residence in Virginia and Kentucky. He served as a private at the Battle of Tippecanoe, and was a judge of the Common Pleas Court.

There were five delegates from Washington County. John DePauw was a son of the Charles DePauw who came over with LaFayette, and fought under him in the Revolution. John laid out the town of Salem in 1814. He was a merchant, a colonel of militia, and represented his county in the legislature at numerous sessions. He became quite wealthy, and his son, Washington DePauw endowed DePauw University. William Graham was the only member of the convention who was born at sea, which nautical event occurred on March 16, 1782. His parents located in Kentucky, and William received his early education at Harrodsburg. In 1811 he removed to Vallonia, where he studied law, and was elected to the legislature in 1812. Subsequently, he was speaker of the House of Representatives in 1820, and represented his district in Congress for eight years, 1831-9, being elected as a Whig. He died near Vallonia, August 17, 1858. William Lowe had been an associate judge, and was later the first clerk of Monroe County, and for six years postmaster at Bloomington. He died in 1840, aged 73. Robert McIntire had been a justice of the peace, and later served in the legislature. Gen. Samuel Milroy was born in Mifflin County Pennsylvania, August 14, 1780, and is said to have been a lineal descendant of Robert Bruce. He removed to Kentucky in 1806, and to Indiana in 1814. He was a popular militia officer being appointed Major in 1816, Colonel in 1817, and Brigadier General in 1819. He was prominent in politics for years afterwards, serving in the legislature repeatedly, and distinguishing himself by the unusual record of opposing the State's borrowing \$10,000,000 for internal improvements. President Jackson appointed him a visitor to West Point, and he was for some time Register of the Land Office at Crawfordsville, but Jackson removed him for criticising his veto of the Wabash improvement bill. Milroy removed to Carroll County in 1826. He secured the passage of the act for the organization of the county, and gave the name of Delphi to the county seat. He was the father of Major General Robert H. Milroy, of Civil War fame, and of Major John B. Milroy.

It was natural that Knox County should send a strong delegation. It was the seat of the oldest settlement, and Vincennes had long been the capital and metropolis of the Territory. John Johnson was unquestionably the leader of the delegation in the convention. He was a Virginian



"OLD CONSTITUTIONAL PARK"  
COLUMBIA, INDIANA

and was probably the best lawyer in the Territory. If any of the other delegates from Knox could have contested intellectual superiority with him, it was Benjamin Parke, but he was a younger man, and recognized Johnson's seniority. Parke was born in New Jersey, in 1777, and went to Lexington, Kentucky, at the age of twenty. Here he read law in the office of James Brown, later Minister to France. He married Eliza Barton, and in 1801 they removed to Vincennes. He formed a warm friendship with Governor Harrison, who appointed him Attorney General. He was elected to the first Territorial Legislature, and twice to Congress. In 1808 President Jefferson made him a Territorial Judge, and he held that position until Indiana became a state. A third member was John Badollet, a Swiss friend of Albert Gallatin. The tradition is that the two wanted to come to America, but had only enough money between them for one fare. They drew lots and it fell to Gallatin to come first. He prospered in the new world, and sent back money to help Badollet over. As a member of Jefferson's cabinet, Gallatin secured for him the position of Register of the Land Office at Vincennes, which opened January 1, 1805. Harrison made him Chancellor of the Territorial Court of Chancery, but he resigned this position after a few months. Judge William Polke served the public in various capacities at various times and always well. At this time he was best known as Harrison's chief of scouts in the Tippecanoe expedition. Col. John Bueneffel, the fifth member of the Knox County delegation, as has been mentioned, was the only anti-slavery member of it, and the only one from outside of Vincennes. He was one of the pioneers of the Busseron settlement, in the vicinity of Carlisle, which at that time was included in Knox County.

Gibson County had four delegates, of whom Major David Robb was the most influential. He was born in Ireland, July 12, 1771. His father emigrated to America, and settled in Kentucky. From there David came to Indiana, in 1800, and located near the present town of Hazelton. He had served as justice of the peace, surveyor, and President of the Legislative Council. He was a captain at Tippecanoe, and a personal friend of Harrison. He was a slave-holder, having purchased two slaves at the sale of Captain Warriek's estate, and having also two indentured servants of his own. Major James Smith of this delegation was a Virginian, who served as aide-de-camp to Harrison at Tippecanoe, and took command of Warriek's company when that officer fell mortally wounded. He was for years a school commissioner, and also served as county surveyor. A third member was Alexander Devin, a Baptist minister, who came to Indiana from Warren County, Kentucky, in 1810. His son, Joseph, married a daughter of Major Robb. The fourth mem-

ber was Frederick (Reichart) Rapp, the adopted son of George Rapp, the founder of New Harmony.

Posey County had one delegate, Dan Lynn. He operated the Diamond Island Ferry, twelve miles above Mount Vernon, at the present site of West Franklin. He had served as justice of the peace and associate judge, and was later a member of the Legislature. The one representative of Warrick County was Daniel Grass. He entered the land on which Rockport now stands, in 1807, and settled there. In 1808 he was made a justice of the peace, and in 1814 an associate judge. He was elected representative and senator several times after the admission of the state. Perry County also had one delegate, Charles Polke. He was a Baptist minister, who has been heretofore mentioned in connection with the Maria Creek Church. He was the father of William Polke, the delegate from Knox County.

The convention organized by electing Jonathan Jennings President and William Hendricks Secretary. William Hendricks was a man who would have become prominent anywhere. He was born at Ligonier, Pennsylvania, of Huguenot ancestors, who had settled among the Germans of the Ligonier Valley. His father, Abraham Hendricks, represented the county for four terms in the Pennsylvania Legislature. William was educated at Jefferson College, at Cannonsburg—later united with Washington, as Washington and Jefferson—where he was a classmate of Andrew Wylie, afterwards President of Indiana University. After reaching manhood he came west and located at Cincinnati, where he studied law, and was admitted to the bar. In 1814 he removed to Madison, Indiana, where he located permanently. He brought with him a printing press, and established the second paper in the Territory, known as *The Western Eagle*. He was received with open arms by the Jennings party, whose members had no love for Elihu Stout, of the Vincennes Sun. They nominated and elected him to the Legislature in 1814, and took the public printing away from Stout, and gave it to the Eagle. This was the cause of the meager and belated notices of public affairs in the Sun after that time, which has been commented on by some students of our history. It was soon found that Hendricks had rare political sagacity, and he took rank as one of the party leaders. He married a daughter of Col. John Paul, the founder of Madison, a connection which added materially to his influence in the Territory.

The first question that the convention was to decide, under the enabling act, was whether it was expedient for it to form a constitution. The determination to form one was so manifest that the leaders of the Harrison party wisely decided to make no serious issue on it, and so, by a vote of 33 to 8, the convention resolved "to launch our political

vessel of state," as the Western Sun expressed it. The formation of the constitution was not a really great task. There were few questions on which there was any material difference of opinion, and on these the majorities were usually overwhelming. It is plainly apparent that the members had before them the constitutions of Virginia, Ohio and Kentucky, for most of the constitution adopted was taken from these three sources. Virginia furnished the bill of rights, and Ohio and Kentucky the remainder, except the provisions for schools and amendments; so that there is some justice in the statement of Mr. Dillon: "In the clearness and conciseness of its style—in the comprehensive and just provisions which it made for the maintenance of civil and religious liberty—in its mandates, which were designed to protect the rights of the people, collectively and individually, and to provide for the public welfare—the Constitution that was formed for Indiana, in 1816, was not inferior to any of the State Constitutions which were in existence at that time." Incidentally this explains why the convention was in session for only seventeen days.

The nearest approach to a party vote was on the slavery proviso of the amendment section. As originally reported this section only provided for a vote by the people every twelfth year, and for the Legislature calling an election for a convention if the vote favored it. In committee of the whole house, this was amended by adding: "and which convention, when met, shall have it in their power to revise, amend, or change the constitution. But, as the holding any part of the human Creation in slavery, or involuntary servitude, can only originate in usurpation and tyranny, no alteration of this constitution shall ever take place so as to introduce slavery or involuntary servitude in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted." On June 20, Johnson moved to strike out these words, and substitute these: "But as the holding any part of the human family in slavery or involuntary servitude, can only originate in usurpation and tyranny, it is the opinion of this convention that no alteration of this Constitution ought ever to take place, so as to introduce slavery or involuntary servitude in this State, otherwise than for the punishment of crimes, whereof the party has been duly convicted." This was an ingenious presentation of two questions, 1, authorizing a convention to change the constitution without a vote of the people, and 2, prohibiting any change in one particular. The first question was not difficult. Most of the constitutions then in existence had been adopted without submission to a vote of the people, and the enabling act authorized this convention to adopt a constitution. They were going to adopt a constitution without submission to the people.

They were the chosen representatives of the people. Why ask anything more of a future body of similar representatives? But as to the second question, a committee had already reported a provision that the people "have at all times an unalienable and indefeasible right to alter or reform their Government in such manner as they may think proper." If this were true, they could not bind a future convention as to slavery or any other subject. True, the mere expression of an opinion in a constitution had no force, but there was a precedent for it in the provision of the Ordinance of 1787, that "no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts." On the other hand, the legislature of 1815 had specially asked Congress for a prohibition of slavery, and the enabling act expressly provided that the new constitution should not be repugnant to the articles of the Ordinance "which are declared to be irrevocable;" and among these was the provision that there "shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." If they meant to keep this compact, why not say so? Practically it was a question whether the delegates favored putting every possible bar in the way of admitting slavery. Those who voted for Johnson's amendment were: Badollet, Dill, Devin, Johnson, Lane, Lemon, Lynn, Polke (of Knox), Parke, Rapp, Robb, Smith and Scott. The remaining members voted against the amendment, with the exception of Daniel Grass, who had been given leave of absence on the 19th, on account of illness, and did not return. The vote therefore stood 13 to 29; and even this was probably due to Lane, Lemon and Scott, acting on the theory that they should not attempt to bind a subsequent convention.

Johnson next moved to strike out the provision that a subsequent convention could revise the constitution without submission to the people, leaving the slavery clause as it stood. On this Floyd, Graham (of Clark) and Jenuings joined the thirteen who had voted for the original amendment. Then Johnson moved to strike out the words "or involuntary servitude," and this was negatived without division. It is to be noted that on these questions William Polke voted on one side and his father on the other, although both were members of the Maria Creek Church, with its anti-slavery article. The probable explanation is that William considered himself bound by the known sentiments of his Knox County constituents. The evident purpose of Johnson's last amendment was to save the possibility of indentured servants, and while the convention was clearly against the introduction of these in the future, it was not so explicit as to those already in the Territory. The provision

for the exclusion of slavery,<sup>10</sup> as originally reported read: "There shall be neither slavery nor involuntary servitude, in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant under pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received or to be received for his or her service, except as before excepted: Nor shall any indenture of any negro, or mulatto, hereafter made and exe-



OLD CAPITOL HOTEL

cuted out of the bounds of this State be of any validity within the State; neither shall any indenture of any negro or mulatto, hereafter made within the State, be of the least validity except in the case of apprenticeships." In committee of the whole, this was amended to read as it went into the constitution: "There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any indenture of any negro, or mulatto, hereafter made and executed out of the bounds of this State, be of any validity within the State." The part struck out refers to indentures made within the State, which were the only kind provided for by the laws of the Territory, and, further-

<sup>10</sup> Sec. 7, Art. 11.  
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more, the provision extends only to future indentures. It therefore appears to have been the intention of the convention not to interfere with existing indentures made within the State, but to let the servants serve for the periods for which they were bound. This was the construction adopted in practice. The census of 1820 reported 190 slaves in Indiana. A local census at Vincennes in 1830 showed 32 slaves at that point.<sup>11</sup> The national census of 1840 credits three slaves to Indiana. However, the Supreme Court, in 1820, held that specific performance of these indentures could not be enforced, on the ground of "involuntary servitude." (Case of Mary Clark, 1 Blackf., p. 122.)

The closest contest that developed in the convention was over the eligibility of legislators to office. In 1811, Jennings had secured an act of Congress removing the property qualifications of voters; requiring sheriffs to hold elections as provided by law; and providing that, "any person holding, or who may hereafter hold, any office of profit from the Governor of the Indiana Territory (justices of the peace and militia officers excepted), shall be ineligible to, and disqualified to act as a member of the Legislative Council or House of Representatives for said Territory." The shoe was now on the other foot. As originally reported, section 20, of Article 3, was an ideal civil service reform measure, reading: "No person holding any office under the authority of the President of the United States, or of this State or Territory, Militia officers excepted, shall be eligible to a seat in either branch of the General Assembly, unless he resign his office, previous to his election; nor shall any member of either branch of the General Assembly, during the time for which he is elected, be eligible to any office, the appointment of which is vested in the General Assembly." This produced some consternation. Under the system they adopted the General Assembly elected not only the Treasurer, Auditor and Secretary of State, but also the Circuit Judges. It was desirable that these should be high grade men, but it was also desirable that the first General Assembly should have high grade men, as it was to frame the laws under which the new State was to begin operation. On June 26, Mr. Cotton moved to amend this section by adding: "Provided, That nothing in this Constitution shall be so construed as to prevent any member of the first session of the first General Assembly accepting any office that is created by this Constitution, or the Constitution of the United States, and the salaries of which are established." This was adopted by a vote of 22 to 19, all of the lawyers except Scott voting for it. Mr. Ferris then moved to add justices of the peace to militia officers in the exemption from the article. This was defeated

<sup>11</sup> Cauthorn's Vincennes, p. 23.



by a vote of 14 to 25. By consent, the words "or Territory" were then struck out, so that it would not apply to existing appointments. Mr. Smith then moved to strike out the entire section, and this was lost by a vote of 9 to 28. The net result was practically to nullify the section as to the first session.

This action was on June 26, and that day appears to have been the time of adjusting compromises. One of them was a much vexed question of the size of counties. On the 24th the committee of the whole had adopted a section reading: "No new county shall be established by the General Assembly, which shall reduce the county or counties, or either of them from which it shall be taken, to less contents than four hundred square miles; nor shall any county be laid off of less contents." This protected the existing counties, but it put an insuperable barrier in the way of new counties which were especially desired by various towns that aspired to be county seats, especially along the Ohio River. On the 26th Mr. Maxwell moved to amend this by adding: "except counties bordering on the Ohio and Wabash rivers, and in such other parts of the State as may be naturally circumscribed, so as to render such small county or counties necessary." Thereupon Mr. Smock moved to strike the section out entirely. This was defeated by a vote of 26 to 14. In the afternoon the matter was settled by adopting a new section reading: "The General Assembly, when they lay off any new county, shall not reduce the old county or counties from which the same shall be taken, to a less content than four hundred square miles." It may excite some surprise that five of the thirteen counties represented in this convention now have less than four hundred square miles of area, and that they suffered this reduction under this constitutional provision. The shortage in Franklin, Wayne and Jefferson is small, and may be due to unintentional error; but Switzerland has only 225 square miles, and Dearborn only 207. The method was discovered at an early date. In 1818 Ripley County was organized of lands north of Switzerland County. In 1821, the north end of Switzerland County was added to Ripley, but as the General Assembly did not do this "when they lay off any new county," the constitution remained intact. The amputation of Dearborn did not occur until 1844, when that county had a scant four hundred square miles. By counting an unusually low water mark, the General Assembly justified itself for taking Ohio County out of it. Ohio is now the smallest county in the State, but when created it contained only a fraction of one of its present townships; and later enough was taken from Dearborn to bring it to its present size. There was, however, no objection to this from the county. The people had fallen out in 1836 over the rival claims of Lawrenceburg and Rising Sun for the county seat, and the legisla-

ture, with strict impartiality, established the county seat at Wilmington. This action brought reconciliation of the rivals on the basis of the division above described, the act providing that Lawrenceburg and Rising Sun should be the county seats of the two counties respectively.

On this same June 26 it was determined that Corydon should be the capital of the State until 1825; and thereby hangs a tale. On the morning of June 28, as recorded in the convention journal, "The President laid before the convention the writing obligatory of Davis Floyd, Esq., relative to his propositions on the subject of the accommodations, &c., of the Governor of the State of Indiana, during the continuance of the seat of government at Corydon." In the afternoon, on motion of Mr. Dill,



THE GOVERNOR'S MANSION, CORYDON

the convention "Resolved, That it be recommended to the General Assembly of the State of Indiana, to appropriate the money voluntarily given by the citizens of Harrison County to the State, to the purchase of books for a library for the use of the Legislature and other officers of government; and that the said General Assembly will, from time to time, make such other appropriations for the increase of said library, as they may deem necessary." Here was a bright prospect for a State Library from the generosity of Corydon—contemporaneous with the temporary location of the capital.

This dream was destined to fade away. When the legislature arrived there were no evidences of action by the people of Corydon; and on November 15, Senator James Beggs offered a joint resolution for a com-

mittee to inquire "what contracts or engagements have been made by certain individuals to provide a suitable house of accommodation for the Governor in the town of Corydon, and to pay certain sums for certain purposes, etc." The committee was appointed, and on December 6 reported that no house had been provided, but that Mr. Floyd stated to the committee that he had given an obligation to provide one, but it had been impossible to do so; but that he is ready to give up the building which he now lives in for that purpose at any time when demanded, and pay a reasonable sum for the deficiency till completed, or he will keep possession and pay an equivalent rent for the whole until spring, but no obligation can be found by your committee. They also reported that they had "made every inquiry for a certain bond said to have been given by certain individuals in Harrison County for the sum of one thousand dollars payable on the twenty-ninth instant for the use of the state, but cannot get any information where it is, or in whose hands it was deposited." The matter drifted over to the next legislature, when, on December 19 the House showed its teeth by adopting a resolution for a committee "to take into consideration the propriety of taking the sense of the people of this State, on that part of the Constitution which fixes the seat of Government at Corydon until the year 1825, with leave to report by bill or otherwise." The committee reported in favor of submitting the question to the people, and the report was considered at length, but on January 12, 1818, it was indefinitely postponed. The legislature contented itself instead with a resolution reciting that whereas a bond has been given by certain citizens of the County of Harrison for the payment of one thousand dollars, which had been lost or mislaid, the Treasurer was authorized to make demand, and the Auditor to bring suit for the money.

Seven years elapsed before the next scene, opening when, on January 18, 1825, Mr. Beekes, of Knox, introduced a resolution asking the Auditor, Treasurer and Secretary of State to attend the session of the House on the 24th and furnish what information they had "relative to a bond heretofore given to the Governor for the use of the State, under arrangement between the members of the Convention and the citizens of Corydon, at the formation of the Constitution; in pursuance of which, it was agreed and consequently a provision inserted in said Constitution, fixing the seat of government at Corydon, until the year 1825; also, what proceedings have been taken for the collection of said bond, and that accompanying which information they furnish this House with a copy of said bond." As there is no record of the appearance of these officials, it may be that the gentleman from Knox was merely making a record for historical purposes. At any rate this is the last appearance of Shylock and

Corydon's men of promise. The State Library was inaugurated at this same session, with a modest annual appropriation of \$50 and a salary of \$15 payable quarterly to the Librarian, which office was filled by the Secretary of State, *ex officio*. It may be added, however, that in 1820, a "law library" for the use of the State officers was formed at Corydon, by subscription, which was later removed to Indianapolis. Possibly this was accepted in place of the lost bond, but nothing appears in the records on the subject.

To return to the convention, another matter settled on that June 26 was the salaries of State officers, the Governor being allowed \$1,000, the judges of the Supreme and Circuit courts \$800 each, the Auditor, Treasurer and Secretary of State \$400 each, and members of the General Assembly \$2 per day and 8 cents per mile for actual travel. The Harrison leaders made a record for economy by offering amendments reducing the Treasurer's salary to three hundred dollars, and the compensation of legislators to a dollar a day. These were voted down by large majorities; but to prevent an undue accumulation of wealth by office-holders a clause was adopted providing that, "No persons shall hold more than one lucrative office at the same time, except as in this constitution is expressly permitted." Even considering the greater purchasing power of money at the time, it must be conceded that the convention was not extravagant. The total expense was only \$3,076.21. The members allowed themselves \$2 per day and mileage, and the most princely salaries allowed were \$3.50 per day to the Secretary and his two assistants, and, of course they had to work at night, as they had to write everything in long hand. While the convention's work was not strikingly original in most respects, it was progressive for the time. It was distinctly to the convention's credit that it abolished imprisonment for debt. Its provisions for education were wise and far-sighted, both in its provisions for husbanding the resources that were to be available for schools, and in its provision that, "It shall be the duty of the General Assembly, as soon as circumstances will permit, to provide, by law, for a general system of education, ascending in a regular gradation, from township schools to a state university, wherein tuition shall be gratis, and equally open to all." Of the same character was its provision that when a new county should be laid off, ten per cent of the proceeds of the sale of lots in the seat of justice should be appropriated for a public library, and a library company should be incorporated to care for it. It was creditable that the convention made it the duty of the General Assembly to enact a penal code "founded on the principles of reformation, and not of vindictive Justice; and also to provide one or more farms to be an asylum for those persons, who by reason of age, infirmity, or other misfortune,

may have a claim upon the aid and beneficence of society; on such principles, that such persons may therein find employment, and every reasonable comfort, and lose, by their usefulness, the degrading sense of dependence."

The criticism of the constitution at the time was wholly political, and notably weak. It was charged to contain provisions "contrary to every principle of true republicanism, and subversive of the rights of the people," and this was done to "the frenzy and intrigue which marked the progress of the measure of a State government in every stage." But when it came to specifications, all that was cited was keeping the capital at Corydon, and depriving the people of the right of changing the constitution oftener than once in twelve years. These objections met with no favor except from those who were seeking something to complain of. As a matter of fact, plainly obvious, the only sensible thing to do was to let the capital remain where it was for the time being. Everybody knew that ultimately it must be removed farther north, to a central point in the State. But at that time the Indian title had been extinguished to only about one third of the state, at the southern end. Corydon was as central a point of the inhabited part of the state as could be found; and, indeed, in 1825, when the capital was removed, Corydon was much nearer the center of population than Indianapolis. The second objection was unfounded, and the public saw this so clearly that it was quickly dropped. The provision neither prohibited a convention oftener than once in twelve years, nor any other mode of amendment. What it said was that, "Every twelfth year, after this constitution shall have taken effect, at the general election held for Governor there shall be a poll opened, in which the qualified electors of the State shall express, by vote, whether they are in favour of calling a convention, or not, and if there should be a majority of all the votes given at such election in favour of a convention, the Governor shall inform the next General Assembly thereof, whose duty it shall be to provide, by law, for the election of the members to the convention, the number thereof and the time and place of meeting." This was self-executing and compulsory. Without any legislation, and without any expression of desire for it, the expression of the people was to be taken every twelfth year. To say that a convention could not be held oftener would be to nullify the provision of the bill of rights that the people "have at all times an unalienable and indefeasible right to alter or reform their Government in such manner as they may think proper." At that time the American people believed this, and meant it when they said so. The courts had not yet perpetrated the absurdity of applying the doctrine that "the expression of one made is the exclusion of another," to a public, natural and indefeasible right. No such construction

was ever given to this section by anyone in authority, and if it had been the meaning of the section, our present constitution would be a nullity, for it was not adopted in that way.

The nearest approach to a sane objection to the constitution at the time was a criticism of limiting the terms of judges to seven years, the writer holding that they should serve during good behavior. This was sound, but the mode of choosing judges was infinitely preferable to our present system—the Supreme judges being appointed by the Governor, with the consent of the senate; and the Circuit judges being elected by the legislature. Comment has often been made on the small number of officials made elective by the people, in this constitution. But this system,



STATE OFFICES, AT CORYDON

which is what is now commonly called "the short ballot," was universal in the United States at that time, and its evils had not yet developed. As party organization came into use, this system offered the easiest and most effective basis for the construction of a political "machine" that could be devised, and it was on that account that it was generally abandoned about the middle of the last century. It is difficult to say which is the more absurd, the claim of advocates of the "short ballot" that their plan is new, or their claim that it would prevent machine domination. In Indiana the only state officers elected by the people were the governor, lieutenant-governor, and the legislators. All the others were appointed or elected by them, and chiefly by the legislature. This was in accord with the fundamental American idea that the legislators are "the repre-

sentatives of the people"; and the Americans of that time actually believed in this idea.

Another comment that has been made on this convention is that a large percentage of the members subsequently held office, which has been taken as evidence that they were "scheming politicians." This charge was made at the time by the Harrison party. In the assault on the convention quoted from above, it is said: "The pernicious practices that have unfortunately been elsewhere tolerated, have, I am told, been here introduced—I have heard it said that a caucus, composed of members of the convention, met at Corydon, and pledged themselves to support certain men for certain offices, without consulting the people or knowing their wishes or opinion on the subject; and I am told some of these men, whom they promised to support, were members of their own body. Should this have been the case, what are the people to think of such men? Such conduct would be a treacherous imposition on the community, and give a mortal stab to our civil liberty—if permitted to be practiced with impunity, it will deprive us of the pillar on which it rests, at the same time producing the most injurious effects to the happiness and freedom of our State. Such proceedings here can only proceed from a political delirium, and must not be practiced among us with success, else, if it be, artifice of sinister knaves will render it habitual, deprive the people of all opinion of their own, and thus undermine our dearest and best rights. If it be a fact that our members intended an assemblage so illegal and injurious, they should be exposed." As nobody took the trouble to deny that a caucus had been held, it is very probable that there was one. At that time nominating conventions had not been devised, and there was no way to get harmonious party action in a state election without some kind of agreement on candidates. Very probably it was agreed that Jennings should be the candidate for Governor, Hendricks for Congressman and Noble for Senator. These three men unquestionably constituted a triumvirate that controlled the State for a number of years afterwards. But the offices later held by members of the convention were almost wholly elective offices, which shows that the majority of the people were with them. Somebody must occupy the offices, and it is hardly feasible, in a republic, to let the minority name them.

The really singular thing was the liberality of the controlling party to the minority. The advance to statehood was a political revolution. Prior to it, most of the appointing power was in the hands of the Governor, and while Harrison was Governor it was exercised almost exclusively for the benefit of his personal and political friends. He expected personal loyalty from them. There is a world of significance in the entry of May 4, 1805, in James Lemen's diary, heretofore quoted: "At our last

meeting, as I expected he would do, Gov. Harrison asked and insisted that I should cast my influence for the introduction of slavery here." Why did he expect this? He knew that Harrison favored it, and Harrison had appointed him a justice of the Quarter Sessions Court, and a judge of the Common Pleas. Lemen refused, and he was not thereafter appointed to anything. The members of the Harrison party in the convention had received appointments from him, but of the others there were seventeen who had never held an appointive office of any kind, and sixteen others who had been only justices of the peace or associate judges, and these were not considered remunerative offices. And now this ostracised class was in control, and the people of the State were back of them. What was their course? John Johnson, the Harrison leader in the convention, was appointed a judge of the Supreme Court by Jennings, and confirmed by a senate of Jennings's politics. Waller Taylor, one of the foremost Harrison leaders in the Territory, was elected to the United States Senate, with James Noble. Benjamin Parke, who was one of Harrison's closest friends, and who had been constantly in office since 1803, as Attorney General, Congressman, and Territorial Judge, was made U. S. District Judge by President Madison. Of course this last may have been a personal matter of Madison's, but it is hardly probable that the appointment would have been made if Hendricks and Noble had opposed it. Aside from the Parke appointment, it is certain that a few years later no political party would have given two of the most important offices within its control to political opponents. This action must be attributed to the conciliatory policy of Jennings, for Waller Taylor had gone out of his way to insult Jennings, and to try to provoke him to a duel, in 1809.

There were some minor matters in which less generosity was exercised. The convention had its printing done by Mann Butler, the Kentucky historian, who was then publishing *The Correspondent*, at Louisville. This was bitterly resented by Elihu Stout, of the Vincennes Sun, who complained of sending the work out of the Territory. However he had little ground for complaint. Louisville was the closest point at which the work could be satisfactorily done, and it would have seriously incommoded the convention to have had its printing done at Vincennes, with the facilities for transportation then existing. There was more ominous action for Vincennes in the proceedings relating to the State seminary. Jennings had secured very favorable terms from Congress as to land grants. The donations offered, and of course accepted, were, 1, section 16 in each township for the support of public schools; 2, all of the salt springs "and the lands reserved for the use of the same, not exceeding thirty-six sections," for the use of the people of the state; 3, five per cent. of the net proceeds of the sales of public lands in the



State, for roads and canals, of which three-fifths was to be expended under direction of the legislature, and two-fifths under the direction of Congress; 4, one entire township for "the use of a seminary of learning," which was "in addition to the one heretofore reserved for that purpose"; and 5, four sections for the location of a seat of government. On June 19, the convention appointed Jonathan Lindley, Benjamin Parke, and James Noble a committee to select the seminary and saline lands, Parke and Noble being members of the convention. Jonathan Lindley was a splendid selection for this purpose. He was a Quaker who had settled near Paoli in 1811. David Thomas, who traveled through Indiana in 1816, and who had a letter of introduction to Lindley, says of him: "This distinguished Friend removed from North Carolina about five years ago; and with a few others fixed his abode in the wilderness. During the late war, this little community formed the frontier; but its members appear not to have suffered either from fear or injury. He has frequently explored the lands beyond the borders of the settlement in the time of that commotion, and never considered either himself or his companions in danger. Indeed there was small cause. No instance of Indian hostility towards this society is known; so firm and inviolate has been the peace which the ancestors of these savages established with William Penn, and so faithfully is the memory of his virtues transmitted from sire to son."<sup>12</sup> The appointment of this commission was a preliminary to the establishment of a State University in place of Vincennes University, but the constitution provided that none of the school lands should be sold before 1820.

On March 26, 1804, Congress had granted a township to Indiana Territory for a "seminary of learning." On October 10, 1806, the Secretary of the Treasury designated a township in Gibson County for this purpose; and on November 29, of the same year the Indiana legislature incorporated The Board of Trustees for the Vincennes University, appointing the Board and making them trustees for this land grant, with authority to sell not to exceed 4,000 acres of it. The Board sold the 4,000 acres, erected a brick building, and opened a school in 1810. On April 27, 1816, Congress added its sanction to the proceedings thus far by an act confirming the titles of those who had purchased from the Board. In 1817 and 1818 the Board petitioned Congress for authority to sell the remainder of the land as the school was in need of funds, and the timber was being stolen. The Senate Committee on Public Lands, without any suggestion that the land was under State control, refused the petition on the ground that the State was not sufficiently populated "to

<sup>12</sup> Ind. Hist. Coll. Indiana as Seen by Early Travelers, p. 54.

keep in respectable standing an institution such as is contemplated, even after, by anticipation of its fund, it had been forced into a premature existence." (Am. State Papers, Pub. Lands, Vol. 3, p. 302.)

In 1820, as soon as the constitution allowed the sale of lands, the legislature established a Board of Trustees for a State Seminary, at Bloomington. At the same time a joint resolution was adopted appoint-



SAMUEL JUDAH  
(From a portrait)

ing an agent to take charge of the Gibson County lands, rent them for terms of not more than two years, and collect "all arrears of rent that may be due to said State." In 1822, the legislature created a commission to sell the Gibson County lands, pay the proceeds into the State treasury as a fund for the benefit of the State Seminary, and also to execute deeds for the lands sold by the Trustees of Vincennes University for which deeds had not been given, thus recognizing it as the original bene-

fiary. After this blow Vincennes University suspended operations, and in 1824, on representation to the legislature that "the building is rapidly decaying for want of funds to repair the same," a law was passed adopting Vincennes University as Knox County Seminary, under the school system then in vogue, giving it the revenues appertaining to a county seminary, but to be "under the direction and control of the Board of Trustees of said university." This last provision was repealed at the next session, and the university became a seminary under the general law of the State. For a decade it ran along in this condition until Samuel Judah appeared on the scene. He was one of the longest-headed lawyers and politicians in Indiana, and he recognized in this another Dartmouth College case. His first step was to introduce in the legislature of 1838 a bill reciting that whereas it is "reported that from neglect to supply the vacancies occasioned by death or removal from the state, in the Board of Trustees of said university, it is now doubted whether a lawful board of trustees can be assembled," therefore the persons named are appointed trustees, with all the rights and powers, etc. It was a very simple little bill for legalization, such as the legislature frequently passed, and so it became a law, nobody dreaming what it would cost the State. So the phoenix arose from its ashes, and Knox County Seminary again bloomed forth as Vincennes University, with all of its original territorial rights, as expressly preserved by the 12th article of the constitution. True the act provided that "nothing in this act shall be so construed as to give the trustees any right to or power over the college township in Gibson County," but nobody was asking to be given any right of that kind. All the trustees wanted was the revival of the University, whose rights were guaranteed by the constitution.

The next move was the presentation to the legislature of 1843 of a petition reciting the facts, stating that the sales of the Gibson County lands were illegal, but that the Trustees "do not desire to disturb or disquiet the titles of a numerous body of citizens to a large and valuable tract of country. They only desire justice, and would rather receive a compensation from the State than by a resort to a legal proceedings regain the lands from the purchasers." This was ignored, and thereupon suits for the lands were instituted in Gibson County. Then arose a chorus of indignation from the purchasers of the land that reconciled the legislature of 1846 to assuming the responsibility for the State, and authorizing the Trustees to bring an action in chancery in the Marion Circuit Court to settle the question. The Circuit Court decided for the Trustees, and the State appealed to the Supreme Court, which reversed the decision. Then the Trustees took the case to the Supreme Court of the United States on writ of error, and that tribunal affirmed the decision

of the Marion Circuit Court. Chief Justice Taney and two of the associate justices dissented from the decision on two grounds: first, that the Territorial legislature had no power to designate the beneficiary; and second, that the words of the grant in the enabling act made it a grant of two sections for one seminary. The first ground is untenable. It would be absurd to make a grant to a territory for a seminary if the territory could not designate a seminary to receive it; and furthermore, if there had been any question of territorial power, Congress had sanctioned the action of the legislature by its act of 1816 ratifying the sales by the Board of Trustees. In support of the second proposition Taney argued that in no other instance had Congress undertaken to endow two seminaries, but that both donations had gone to one institution. This is historically true; but he overlooked the obvious fact that in all other cases both donations had gone to the original beneficiary. The words of the grant—"That one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said State, to be appropriated solely to the use of such seminary by the said legislature"—could just as properly be construed to mean that Congress intended both townships for Vincennes University; and if the Chief Justice had followed his argument to its legitimate conclusion he would have so held. The majority decision makes the grant read of one entire township for a seminary of learning "in addition to the one heretofore reserved for that purpose to another seminary."

Under an act of February 13, 1855, Mr. Judah settled with the State, accepting its bonds for \$66,585 and leaving 2,200 acres of land that had not yet been sold to be accounted for. Of this amount he retained \$26,728.23 for fees and expenses, and turned the remainder over to the Board. The Board sued him for an accounting, and, among other things, Judah answered that he had used \$4,500 "in procuring the passage of the act of 1855"; whereupon the Trustees replied that he had "fraudulently and corruptly expended such sums in hiring persons to aid him in influencing members of the legislature and in bribing members to procure the passage of said act." But the court found for Judah for the amount he claimed. Forty years slipped away, and in 1895 the Trustees of the University bobbed up with a supplemental claim for the 2,200 acres of land that had not been sold in 1855. In the meantime the State had sold practically all of it for a total of \$1,547.30, it being swampy and undesirable. The legislature appropriated \$15,000 more "in full settlement of all claims against the State"; and the Trustees accepted it by formal resolution. But this opened the eyes of a new bunch of lawyers

to the enormity of the wrong done to Vincennes University. In the Supreme Court decision of 1852<sup>13</sup> the court, in commenting on early donations to Indiana and other states, said that "if these reservations had been judiciously managed, they would have realized a fund at this time of at least \$200,000 each." Plainly, here was the correct measure of damages,



PRESENT VINCENNES UNIVERSITY

judicially found by the highest court of the land. Up to this time the State had paid Vincennes University \$81,585 for lands that it had sold for \$16,598.66, the difference being for interest allowed. But if the State had wrongfully taken the lands, as the Supreme Court of the United States had decided, it was morally liable for the wrong done, and not for the benefit it had received, and the State had authorized a settlement on an equitable basis. Moreover, the State had been fully reim-

<sup>13</sup> <sup>14</sup> Howard, p. 268.

bursed by the acts of Congress of July 12, 1852, and February 23, 1854, by which it was granted 23,206 acres to indemnify it against loss of the Gibson County lands; and it had sold these new lands for \$80,000 and turned the proceeds over to Indiana University. Manifestly justice needed to be warmed over.

Accordingly the matter was brought before the legislature of 1899, which passed a bill for the issue of \$120,000 of bonds to Vincennes University in one more full and final settlement of the claim. Gov. Mount vetoed the bill, on the ground that the finals had been played, but recommended that a committee be appointed to report to the next session "whether or not there is anything due Vincennes University by reason of the sale of these lands," referring to the lands unsold in 1855. The Senate then appointed a committee of three hold-over senators, N. L. Agnew, Eph. Inman and Geo. C. Miller, to investigate the entire matter and report to the next session. This committee reported a finding of facts, with this conclusion: "The compensation rendered by the State to the University was evidently very inadequate to repair the wrong done, while the State on the other hand has not retained any of the fruits of the wrongful act so far as we can determine. We submit upon the foregoing statement of facts there is no legal claim against the State in favor of the Vincennes University. As to whether the State should recognize an equitable or moral responsibility for the wrong inflicted by the State upon the University, we leave to the judgment of the Senate." This brought the question into the political arena; for it was plainly a question for the people whether the State should stand on legal technicalities, or do what its own representatives had found to be "equitable and moral" in dealing with a public educational institution. The claim was urged on the legislatures of 1901 and 1903, and the latter determined on a new investigation. The judicial and legislative departments had investigated the claim, and all that was left was the executive department. Therefore a concurrent resolution was adopted making the Governor, Secretary, Auditor and Treasurer of State a committee to investigate and report "on just and equitable grounds."

The majority of this committee, the Secretary, Auditor and Treasurer, reported in favor of paying the University \$120,548, and Governor Durbin made a dissenting minority report, in which he showed very satisfactorily that the lands were not worth anything like \$200,000 in 1852, and added a mass of other matter that had nothing to do with the case. He called attention to the fact that the charter of the Vincennes University had authorized it to conduct a lottery to raise funds, that Congress had given it land donations in addition to this one, and that with all this assistance it was never anything but a grammar school. It

may be mentioned that the lottery was not a productive asset. This franchise lay dormant until May 1, 1879, when, as authorized by its charter, the University appointed "five discreet persons" to conduct a lottery for the purpose of raising a sum not exceeding \$20,000 "for the purpose of procuring a library and the necessary philosophical and experimental apparatus." The State constitution had prohibited lotteries, and this action of the University was evidently taken with some apprehension, for a test case was decided at the May term, 1879, of the Supreme Court. The court held that the lottery franchise was a vested right which could not be taken away by the constitution.<sup>14</sup> The discreet managers then proceeded, but a ticket seller was arrested, and the case again went to the Supreme Court, which had an access of light, and reversed itself.<sup>15</sup> Bills were presented to the legislature of 1905, but not passed. Durbin's stand brought the matter into still greater political prominence, for he had been trying to make a record for economy, and had made himself so unpopular that the Democratic platform of 1904 made an issue of his "cheese-paring policy." The legislature of 1907 passed a bill for the issue of \$120,548 of bonds to the University in settlement of its claim, and, when Gov. Hanly vetoed it, passed it over his veto. His veto was based on the ground that the bill violated section 5 of article 10 of the constitution, which prohibits contracting State debt except to meet casual deficits, pay interest, or provide for public defense. The University's contention was that the debt already existed, but Hanly said that the word "debt" meant an obligation that could be enforced at law, and not a mere equitable claim. On that basis the legislature could never pay an equitable claim, for it would be creating a debt of it. After the bill was passed over his veto, Governor Hanly refused to sign the bonds, and so the matter rested until Thomas R. Marshall was elected Governor.

Governor Marshall took a residence in the north part of Indianapolis preparatory to his inaugural. It had been the custom for some years for the out-going Governor to escort the in-coming Governor to the inaugural ceremonies; and when the day arrived, Hanly secured the services of Fred Sims, Secretary of State, as aide-de-camp, and proceeded to the Marshall mansion. After very formal salutations, they and Marshall took seats in the carriage and started. For the first mile the decorum observed was up to the standard observed in the hearse at a well-regulated funeral. Hanly is not effusively jovial in his lightest moments, and there was nothing in the occasion to exhilarate him. Marshall was temporarily distraught, owing to the fact that just before he started one of

<sup>14</sup> *Kellum vs. the State*, 66 Ind., p. 588.

<sup>15</sup> *The State vs. Woodward*, 89 Ind., p. 110.  
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his inaugural guests had fallen down stairs, and incurred unliquidated damages. Sims, with characteristic deferential courtesy, thought it was not for him to take the offensive in such presence. Not a word was spoken until they reached Monument Place, when it occurred to Marshall, who is a very thoughtful man when he is thinking, that some one ought to do something to liven up the joy ride, and he observed, "By the way, Governor, I am going to sign those Vincennes University Bonds." Hanly turned on him with an icy glare, and replied, "Very well, sir. That is your privilege." Having thus happily reached a complete agreement, the party came to its destination without any further interruptions. Marshall signed the bonds, and so the Vincennes University land claim ended—unless the Trustees shall find some basis for an additional claim.

In the constitution of 1816, in addition to the provision of a frame of government, and the declaration of fundamental principles in which everybody agreed, there are some provisions that look more like adjustments of local interests than proper constitutional provisions. One of these is the regulation of banking, in Article 10, as follows: "There shall not be established or incorporated, in this state, any Bank or Banking company or monied institution, for the purpose of issuing bills of credit, or bills payable to order or bearer; Provided that nothing herein contained shall be so construed as to prevent the General Assembly from establishing a State Bank, and branches, not exceeding one branch for any three Counties, and be established at such place, within such Counties, as the directors of the State Bank may select; provided there be subscribed and paid in specie, on the part of individuals, a sum equal to thirty thousand dollars: Provided also, that the Bank at Vincennes, and the Farmers' and Mechanics' Bank of Indiana, at Madison, shall be considered as incorporated Banks, according to the true tenor of the charters granted to said Banks by the Legislature of the Indiana Territory: Provided that nothing herein shall be so construed, as to prevent the General Assembly from adopting either of the aforesaid Banks as the State Bank: and in case either of them shall be adopted as the State Bank, the other may become a branch, under the rules and regulations herein before prescribed." In the light of existing conditions, however, this was a very rational provision for a state financial system. The Territory had never had a general banking law, and there had been little opportunity for the use of one if it had existed. The wealth of the people was almost exclusively in lands and chattels. There was very little money in circulation, and the smaller forms of domestic commerce were chiefly on a basis of barter. In this, skins and furs were largely the medium of exchange. Specie came into the Territory mainly from the sale of produce taken to New Orleans in flatboats, and as brought



in by immigrants, especially those who intended to purchase lands. It was both difficult and dangerous to transport specie in any material quantity. As long as the old United States Bank existed, its bills furnished a convenient medium for carrying money; but its charter expired in 1811, and was not renewed. Instead of it a system of private banks arose, beginning in New England, and developing from there to the middle and western states.

Under statutory provision, or in the absence of any statute, as in Indiana, anybody could start a bank and issue bills, for a bank bill is merely a note payable on demand. Very little of this was done in Indiana though some merchants issued "shinplasters" for small change, of which the only other supply was obtained by cutting silver coins into sections. In 1814, Indiana Territory relieved the local scarcity of money by incorporating the two banks named in article 10 of the constitution. Their charters were identical, that of the Madison bank being copied from that of the Vincennes institution, and they were granted within a few days of each other. Both had capital stocks of \$750,000; the managers of both were among the wealthiest and most respected men of the Territory; by the efforts of the Indiana Congressman and Senators, both were made depositories of land office receipts; and both were prosperous, and being conducted to the satisfaction of the shareholders and of the public. There were four or five other banking institutions in the Territory, most of them in good standing, but too small to be considered as State agencies. One was regarded as suspicious—the bank at Lexington—and in 1815 an act had been passed "to prevent swindling," which was directed at this institution, and which required banks to publish the names of their stockholders. Lexington was an ambitious young town which had been made the county seat of Scott County; and William Hendricks' newspaper, *The Eagle*, had been sold and removed to that point. The suspicions as to the bank were realized, as is mentioned by most of the early visitors to the State. David Thomas speaking of Lexington (New Lexington, it was then called) says: "At this place the sign of the Lexington Bank was displayed by nine swindlers; several of them are now imprisoned." Samuel R. Brown (1817) says: "This flourishing town is famous for having produced the pretended monied institution called 'The Lexington Indiana Manufacturing Company,' which has exploded." Timothy Flint (1828) says: "The bank of New Lexington was a notorious scheme of iniquity; and was one of the first bubbles that burst in this young community. Though the people did not immediately take warning they were among the first that discarded all the ridiculous temporizing expedients of relief, and restored a sound circulation."<sup>16</sup>

<sup>16</sup> Indiana as Seen by Early Travelers, Ind. Hist. Comn., pp. 49, 156, 462.

The constitution plan for a State Bank was carried out by an act of January 1, 1817; which adopted the Vincennes Bank as the State Bank. Its capital stock was increased to \$1,500,000, and 14 branches were authorized, one for every three counties, of which the Madison bank was to be one. The Madison bank declined, and only three branches were organized at Brookville, Corydon and Vevay. The experiment could not have been tried at a more unfortunate time. The new Bank of the United States began business on January 1, 1817, and began business in a



OLD STATE BANK BUILDING, BROOKVILLE

very poor way. By authorizing discounts on pledges of stock, before it issued any bills, the payment of the stipulated capital was evaded; and the actual paid-in capital of the Bank was two millions in specie instead of seven millions, and twenty-one millions in funded debt instead of twenty-eight millions. The remaining twelve millions was made up of stock-holders' notes. Discounts were made at an appalling rate. The officials of the Baltimore branch, who had borrowed \$1,957,700 from the parent bank, on a pledge of 18,290 shares of its stock, took out of the Baltimore branch \$1,540,000 additional on a pledge of "the surplus value" of the same shares. By March, 1819, the losses at Baltimore

approximated a million and three quarters, and for the whole country more than three millions and a half, which was half a million more than the profits. Meanwhile dividends of \$4,410,000 had been made. In the fall of 1818 a committee of Congress investigated the Bank, and on January 16, 1819, reported that it had violated its charter in four particulars, and recommended a forfeiture of its charter. Congress took no action, but the stock fell to 93, and William Jones, the President of the Bank, soon fled. Mr. Cheves, of South Carolina, took his place on March 6, 1819, and at once instituted measures of curtailment, and collection of balances. He put the Bank in a safe condition in seventy days; but he brought on a panic that paralyzed the whole country. In the words of one of the most intelligent writers of the period: "The Bank was saved and the people were ruined. For a time, the question in Market street, Philadelphia, was, every morning, not who had broken the previous day, but who yet stood. In many parts of the country the distress was as great as it was in Philadelphia, and in others it was still more deplorable."<sup>17</sup> For months afterwards the papers were full of tales of woe. On April 10, Niles Register said: "From all parts of our country we hear of a severe pressure on men in business, a general stagnation of trade, a large reduction in the price of staple articles. Real property is rapidly depreciating in its nominal value, and its rents or profits are exceedingly diminishing. Many highly respectable traders have become bankrupts, and it is agreed that many others must 'go': the Banks are refusing their customary accommodations; confidence among merchants is shaken, and three per cent. per month is offered for the discount of promissory notes, which a little while ago were considered as good as 'old gold,' and whose makers have not since suffered any losses to render their notes less valuable than heretofore."

On August 7, the same paper said: "It is estimated that there are 20,000 persons daily seeking work in Philadelphia; in New York, 10,000 able-bodied men are said to be wandering about the streets looking for it, and if we add to them the women who desire something to do, the amount cannot be less than 20,000; in Baltimore there may be about 10,000 persons in unsteady employment, or actually suffering because they cannot get into business." On October 9, the Register quoted from The Kentucky Gazette: "Slaves which sold some time ago, and could command the most ready money have fallen to an inadequate value. A slave which hires for 80 or 100 dollars per annum, may be purchased for \$300 or \$400. A house and lot on Limestone street, for which \$15,000

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<sup>17</sup> William M. Gouge, *A Short History of Paper Money and Banking in the United States*, Phila., 1833.

had been offered some time past, sold under the officer's hammer for \$1,800. A house and lot which, I am informed, was bought for \$10,000, after \$6,000 had been paid by the purchaser was sold under a mortgage for \$1,500, leaving the original purchaser (besides his advances) \$3,500 in debt. A number of sales, which excited at the same time astonishment and pity, have occurred in this town." There was a similar depreciation of values everywhere. Speaking of the situation in Indiana, Samuel Merrill says: "From 1820 to 1824, the prices of produce were only from a third to a fourth of what they had previously been, except where extensive new settlements created temporary demands. All real property fell in much the same, and town property in even a greater proportion. \* \* \* There was, no doubt, much wrong feeling and wrong principle that led to the relief laws and other efforts to prevent the collection of debts; yet when property to large amounts was sacrificed for costs merely, as was often the case, even the creditors derived no benefit. It was for the interest of creditors, generally, not less than of debtors, that the latter should not be ruined needlessly, and that as many of the former as possible should receive at least a part of their dues. About this time the following circumstances occurred: A farm of 200 acres had been sold for \$4,000, of which \$3,000 was paid in hand, and a mortgage given on the property for the \$1,000. This sum not being paid, the mortgaged premises were taken and sold to the original owner for less than half the sum due, and he afterwards proceeded to collect the balance, with costs, of the mortgagor. The land would, at any time for the last twenty years (from 1850), have sold at from \$30 to \$60 an acre. There were many even still harder cases which called, at least, for such provisions in relation to the sale of real property as would be best, on the whole, for all creditors and all debtors. The state of public opinion may well be imagined, from the fact that many of those who had so managed the Banks that they became a fraud on community, still retained, to a considerable extent, the respect of their fellow citizens.<sup>18</sup>

In regard to the remedies for such conditions, I will quote here the words of Mr. Gouge, which ought to be inscribed on imperishable monuments in every township in the United States: "There was one measure which, as it might have alleviated the distress, we have sometimes wondered was not adopted. We have wondered it was not adopted because it is a measure which has been adopted in other countries, and in our own country at other times. We mean an equitable adjustment of the affairs of debtor and creditor. When the South Sea bubble burst, the

<sup>18</sup> Ind. Gazetteer, p. 120.

British Parliament saw that to require a literal fulfilment of the obligations which were affected by that stock-jobbing concern, would be to give the getters up of that scheme all the property of their miserable dupes. It therefore, in some cases, reduced the amount of money to be paid, as much as nine-tenths. During the Revolutionary War, scales of depreciation, of continental money were from time to time published by the Legislature, by which the courts were governed in enforcing such contracts as were submitted to adjudication. The great Banking bubble of America was the same in principle as the South Sea bubble, but of longer continuance, and involved in it the fortunes of the whole community. But nothing like an equitable adjustment of the affairs of debtor and creditor was attempted. An obligation to pay 10,000 dollars entered into in 1816 or 1818, when the current dollar was in some parts of the country worth perhaps but 50 cents in silver, was enforced according to the strictness of the letter, in 1819 and 1820, when the current dollar was of equal value with the legal dollar, and worth one hundred cents in silver. It is an awful thing to change the money standard of a country; but it is equally awful to refuse to recognize such a change, after it has actually been made. Effecting an equitable adjustment of the affairs of debtor and creditor, by a legislative or a judicial recognition of the practical changes which had been made in the standard of value, would not have 'impaired the obligation of contracts.' Both debtor and creditor, when they entered into the contract, had the 'current' dollar in view."<sup>19</sup>

Nothing can be more ruinous to all legitimate business than a continuous fall of prices, resulting from a gradual return of a depreciated currency to its face value. After the Napoleonic wars, France was the only European country that was wise enough to resume specie payments, and at the same time adjust existing business on the existing value of her paper money, which was worth about three cents on the dollar. The other nations resumed in the same way that the United States used in the years following the Civil War, and had the same experience of a long extended period of bankruptcy and business paralysis. A nation that stupidly persists in treating a dollar as a fixed quantity, no matter whether it be specie or depreciated paper, is necessarily bringing ruin to its people.

The Bank of Vincennes began business as the State Bank when the tide of inflation and speculation was at its full. Its management was a close parallel to that of the Bank of the United States, which began business at the same time. It loaned money freely, especially to land purchasers and promising business enterprises. It favored its own officials. It had a

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<sup>19</sup> Short Hist. of Paper Money, etc., pp. 125-6.

set-back when the Bank of the United States took the public deposits away from it, and from numerous other banks, but these were restored under an arrangement that relieved the Bank of the United States, which was the Government's fiscal agent, from responsibility for the deposits, by making the debt a direct one to the United States. But the Vincennes Bank did not have a Cheves to pull it from under the impend-



NATHANIEL EWING  
(From a portrait)

ing ruin. It steered straight into the maelstrom with every sail set. In 1820 disaster was in sight. From April, 1819, to June, 1820, the land office had deposited \$295,325.77 to the credit of the United States, and but \$77,062.87 of this had been paid. In July, Secretary of the Treasury Crawford objected to the Bank's failure to meet his drafts, and stopped the deposits. It leaked out that the Bank was in trouble, and attacks on it began to appear in hostile newspapers. These were discounted by

friendly newspapers as political, but the report of the Bank to the Legislature in December showed that it was insolvent. On January 2, 1821, it suspended specie payments, and on February 3 called a meeting of stockholders to consider surrendering its charter. This meeting, held on February 5, elected a new board of directors, made David Brown president, and appointed a committee to examine the Bank.

Another calamity was at hand. The principal debtor of the Bank was Charles Smith's Steam Mill Company. Steam power was just beginning to be introduced in the West, and the newspapers had glowing accounts of its superiority over water power, and anticipations of home manufacturers of all kinds, without the heavy expense of transportation from the East. Nathaniel Ewing, Receiver of the Land Office, Pension Agent, and former president of the Vincennes Bank, was largely interested in the Steam Mill Company, and Judge Benjamin Parke was its nominal agent, though the actual business of the agent was largely transacted by others. This company, as various others in early times was authorized by its charter to transact banking business, and issued bills of its own, in addition to maintaining a mercantile establishment, for the disposal of its own and other produce. On the night of February 10, it was discovered to be on fire, and the helpless people of the town saw it burn to the ground. The Steam Mill company owed the Bank \$91,000, and its assets were practically wiped out of existence. It was said that the fire was incendiary, which was probably true, though the incendiary was never located.

Notwithstanding this crowning disaster, President Brown, who seems to have been a very guileless person, wrote of the Bank to Secretary Crawford, on April 5: "There is no doubt of its solvency; its losses are but nominal." Crawford replied on May 4, with a very pointed inquiry why the Bank did not pay the \$218,262.90 that it owed the Government; and on receipt of this, Brown made this mournful reply:

"Sir.

"Vincennes, May 22, 1821.

Your communication of the 4th inst. was received today, and will be laid before the directors at their meeting on the 24th.

I stated to you, in my communication of the 5th April, that we might probably retrieve the character of the bank. Further investigations, however, have given me such views of the situation of affairs as to convince me of the fallacy of all hopes of placing the institution on a respectable footing again. I therefore advertised, the 12th instant, a general meeting of the stockholders, to take place the 13th June ensuing, to investigate the situation of the bank, and to take into consideration the expediency of winding up its business.

In relation to the pension business, I feel it my duty to state that no funds for the payment of pensioners have ever come into my hands. How your appropriations have been disposed of, I am unable to say.

It was an unfortunate day which brought me to preside over an already ruined institution. My character, to me, is more than all the world besides; and I have to regret the possibility of my reputation suffering for the sins of others. The evils which have been done were before the 7th of March last (the period of my appointment).

Very respectfully yours, &c.,

David Brown."

The "pension money" referred to was \$10,000 that Ewing had received to pay Indiana pensioners, who had not been paid.<sup>20</sup> Ewing was dismissed, and suit against him ordered. A week after this sad plight, the directors met and voted a dividend of ten per cent. for the past six months. A year later they voted another of twenty per cent. The apparent purpose of these was to give stockholders credit on their indebtedness to the Bank. At the meeting in June, 1821, a committee was appointed to wait on the stockholders of the Steam Mill, and see what could be done concerning their debt. Judge Parke told them he would surrender all of his property, but that if the debt was as large as stated, full payment was hopeless. The meeting then decided to wind up the Bank, and those stockholders who were indebted to the Bank were authorized to surrender their stock, and receive a corresponding credit on their indebtedness. In the meantime, the State had become involved. It had borrowed from the Bank and deposited State bonds as security; and had been accepting bills of the Bank with which to pay the debt. When payment was offered, it was found that the bonds had been turned over to the United States on its claim. When news of the June meeting reached Governor Jennings, he called a special session of the Legislature for November to deal with the situation. The Legislature passed a law directing the Governor to appoint an agent to bring suit to determine whether the Bank had violated its charter. The agent brought an action of quo warranto, charging twelve breaches of the charter in the information. The jury found the Bank guilty of nine of these violations; and the Court, instead of appointing a receiver to wind up the business, forfeited the charter, and ordered all the property, rights of action and credits turned over to the State. The Bank took a writ of error to the

<sup>20</sup> The correspondence concerning the bank is in American State Papers, Finance, Vol. 3, p. 737; Vol. 4, p. 244; and Vol. 5, p. 104. The best detailed study is Esarey's *State Banking in Indiana*, Ind. Univ. Studies, Vol. 10, No. 2.



Supreme Court, its chief contention being that under its charter it could not be dissolved until it had paid its debts. The Court held that this provision of its charter merely prevented a voluntary dissolution without first paying the debts, and did not interfere with a dissolution for cause. But it held that when a corporation is dissolved, it expires without heirs or successors; that the State could not seize the property; and that all debts to the Bank died with it.<sup>21</sup> This decision, which was reached at the November term, 1823, released all debtors to the Bank from farther liability, and the debtors were chiefly officials and stockholders of the Bank. In the meantime they had settled with the Government by turning over to it the real estate of the Bank, and their personal holdings; so that the main loss fell on the note holders.

There was one debtor who desired no release. Judge Parke fell under condemnation with the others, at the time, though he never lost the esteem of the best people of the State. He condemned himself more severely than others condemned him, and it left a shadow over a life that knew many sorrows. He had two children, a son and a daughter. The daughter married Abram Hite, a young merchant of Louisville, and died young, leaving a son, who came to live with his grandparents. Judge Parke's son, Barton, was a promising boy who was preparing for college, at the Salem Seminary, when, in 1833, the great epidemic of cholera took away both the son and the grandson. Not long after this bereavement, a young man came to Salem to attend the Seminary, whom Judge Parke invited to live in his lonely home. It was Barnabas C. Hobbs, later Superintendent of Public Instruction. They became warm friends until the Judge's death on July 12, 1835. Mr. Hobbs left the following statement of a phase of his friend's life, that the outside world did not know: "Judge Parke was honest and generous to the core. He scorned all subterfuge, dishonesty and hypocrisy. While at Vincennes he was induced to unite his fortunes with two other men in the organization and management of a bank. He, of course, was busy with professional duties, and left the management of the bank and his own fortune to the other partners. They found a desirable time and way to let the bank break and to hide its resources, leaving Judge Parke to attend to its liabilities. These reverses made him bankrupt for life, or nearly so. All who knew him knew his honesty and integrity, and admired his patience and resignation to his fate. After Governor Harrison left Vincennes Judge Parke moved to Salem, in Washington County, a place at that time more central. He took an inexpensive house, and year by year used all his savings to cancel his bank indebtedness. He closed it all out a short time before he

<sup>21</sup> *State Bank vs. The State*, 1 Blackford, p. 267.

died. He was for years afflicted with tubercular consumption, and must have struggled with much infirmity while steadily performing his judicial duties. He suffered also from paralysis of his right side, so that he could not use his right hand in writing. He overcame this disadvantage by learning to write with his left hand, which he used with elegance and dispatch."<sup>22</sup>



HOME OF BENJAMIN PARKE

(This house was originally built at Vincennes, and removed in sections to Salem.)

It should be added here that the Farmers & Mechanics Bank of Madison had a more creditable fate than its Vincennes twin. When the first order was made for the withdrawal of the Government deposits, in 1818, the bank withdrew its circulation, which was being used to withdraw the specie from its vaults. In 1820 the deposits were restored, but the bank was embarrassed by the apparent unfriendly management of the Bank of the United States, and finally the directors decided to close it, which was done after fully meeting all of its obligations. The winding up was

<sup>22</sup> Woollen's Sketches, p. 288.

done gradually, so as not to disturb business, and the last step was the sale of its uncollected assets to Milton Stapp and J. F. D. Lanier, later the founder of the great banking house of Winslow, Lanier & Co. At that time Lanier was a lawyer at Madison, and Stapp was a student in his office, though his preceptor was not much older than himself. James F. D. Lanier was born in North Carolina, November 22, 1800, a descendant of Thomas Lanier, a French Huguenot. His grandfather, James Lanier, served in the Revolutionary army, and in Wayne's campaign against the Indians. He later emigrated to Tennessee, and from there to Kentucky. In 1807, Alexander Chalmers Lanier, father of J. F. D. Lanier, removed to Ohio, and freed his slaves. He served in the war of 1812, attaining the rank of Major; and in 1817, removed to Madison, Indiana, where he conducted a store until his death, in 1820. James F. D. received his education in the common schools of Eaton, Ohio, an academy at Newport, Ky., and at Madison, where he had, as he says, "for a year and a half, the almost inestimable advantage of a private school taught by a very superior person from the Eastern states"—presumably Rev. Wm. Robinson, a Presbyterian missionary who located there in 1810, and conducted a private school, in addition to founding the first Sunday school and the first Presbyterian church. In 1819 Lanier began reading law in the office of Gen. Alexander A. Meek, and concluded his studies at Transylvania, where he graduated in 1823. He was assistant Clerk of the House of Representatives in 1824, and at each succeeding session until 1827, when he was made Chief Clerk. His purchase of the assets of the Farmers & Mechanics Bank was his first recorded financial venture, and probably started him on the career in which he was so phenomenally successful, and of so great service to the State and to the Nation.

## CHAPTER VIII

### UNDER THE FIRST CONSTITUTION

Mention has been made of the charge of a caucus of the Jennings party at the time of the constitutional convention at Corydon; and as an apparent fact the convention served the purpose of political conventions for both parties. Oliver H. Smith, who was in position to know, says: "I came to Indiana in the spring of 1817. The political affairs of the State were then in the hands of three parties, or rather one party with three divisions—the Noble, Jennings and Hendricks divisions—which were all fully represented in the convention that formed the constitution of 1816. Gen. James Noble and Jonathan Jennings were delegates. Jennings was elected President and William Hendricks Secretary of the convention. It was evident to these leaders that personal political conflicts must arise between them unless the proper arrangements were made to avoid them. It was then agreed between them to aid each other in making Noble United States Senator, Jennings Governor, and Hendricks Congressman. \* \* \* There were three judges to be appointed for the Supreme Court. Each subdivision was entitled to one. Gen. Noble selected Jesse L. Holman, living on the beautiful hights of the Ohio river, above Aurora, a good lawyer and one of the most just and conscientious men I ever knew. Gov. Jennings selected John Johnson, a fine lawyer and an excellent man. He lived but a short time, and after his death, in the winter of 1822-3, I named the county of Johnson for him in the legislature, and not for Col. Richard M. Johnson, as some suppose. Gov. Hendricks named James Scott, of Clark County, a Pennsylvanian, one of the purest men in the State, a good scholar, and a fine lawyer. The opinions of no judge of our Supreme Court up to the present day, are, I think, entitled to stand higher with the profession than his. A strong common sense view of the case enabled him to select the grain of wheat from the stack of straw, and say, holding it up to the parties without discussing the chaff, 'It is my opinion that this is a grain of wheat'."<sup>1</sup>

In this connection, it may be noted that Judges Holman and Scott both served for two full terms of seven years each, but Judge Johnson

<sup>1</sup> Early Indiana Trials, p. 84.

died in 1817, and was replaced by Judge Isaac Blackford, who remained on the Supreme Bench until 1853; and whose fame is greater than that of any of his colleagues. He was one of the most unique characters that have appeared in Indiana history. He was born at Bound Brook, Somerset County, New Jersey, November 6, 1786, and at the age of sixteen entered Princeton College, from which he graduated after the regular



JUDGE ISAAC BLACKFORD  
(From a portrait.)

four years course. He then read law for a year in the office of Col. George McDonald, later with Gabriel Ford, and in 1810 was admitted to practice. In 1812 he came West, carrying letters of introduction to Judge Isaac Dunn, of Lawrenceburg, and others. He stopped for a time at Brookville, and then located at Salem. At the organization of Washington County, in 1813, he was elected Clerk and Recorder. The next year he was elected Clerk of the Territorial legislature, which he resigned on being appointed Circuit Judge. He then removed to Vincennes, and in

1815 resigned as Judge and opened a law office. In 1816 he was elected to the first State legislature. In 1819, Col. McDonald also located at Vincennes; and on December 25, 1819, the Sun said:

"The world was sad, the garden was a wild,  
And man, the hermit, sighed till woman smiled.

Married,—By the Rev. Samuel T. Scott, on Thursday evening last, the Hon. Isaac Blackford, one of the judges of the Supreme Court of this State, to Miss Caroline McDonald, daughter of Col. George McDonald, all of this place."

They had one son, George, the mother dying at his birth, to whom Judge Blackford was tenderly attached; but he died in youth, and the father was never the same afterward. While Judge of the Supreme Court at Indianapolis, he occupied rooms in the old "Governor's Mansion," which stood in the Circle—now Monument Place—alone with his work and his books, for he was a great reader, and took the best British magazines, in addition to other reading. His reputation rests chiefly on his Reports of the Supreme Court decisions, which he edited and published for the first thirty-five years of the Court's existence, and which have always held high standing with the legal profession. He was very particular, not only about the substance of the Reports, but also about spelling and punctuation, and numerous anecdotes are preserved of his care in this matter. On one occasion, Samuel Judah, desiring to delay a decision, asked Blackford for the correct spelling of a word that he knew would be used in the decision. Blackford gave him the accepted form, and he at once dissented, and argued for another spelling until Blackford became uncertain, and put in two days looking for authorities, by which time the Court had adjourned, and the decision went over to the next term. In 1825, Judge Blackford was a candidate for Governor, but was defeated by James Brown Ray. Later in the same year he was defeated for United States Senator by William Hendricks. In 1855, on the organization of the Court of Claims, at Washington, he was appointed a Judge, and held this office until his death, on December 31, 1859. His remains were brought to Indianapolis, and interred in Crown Hill Cemetery.

But, to return to 1817, it is apparent that the opposition faction held a caucus also, for on July 13, G. R. C. Sullivan, a brother-in-law of Elihu Stout, announced himself as a candidate for Congress, and on the 20th. in an article in the Sun supporting Sullivan, "Indiana" said, of the proceedings at Corydon: "Mr. A. D. Thom was pitched upon by a party there, who pledged themselves to support him." The convention had adjourned on June 29, and on July 6 the Sun had announced that it was

"authorized" to announce Thom for Congress, and had "heard" that Hendricks was a candidate. It also had "understood" that Thomas Posey and Jonathan Jennings were candidates for Governor. Manifestly the opposition had agreed on both Posey and Thom, and the members of that party were so fully in support of this move that on August 3d Sullivan withdrew in favor of Thom. The constitution directed Jennings, as President, to call an election on the first Monday in August (August 5), for Governor, Lieutenant Governor, Congressman, members of the General Assembly, sheriffs and coroners, and this call was duly issued on June 29. There was no delay, and no occasion for any with the party in power. Their organization was complete, and the delegates carried all necessary information to their several counties. The time was short, but there was little to be considered. The opposition undertook a feeble remonstrance to being prematurely rushed into the expense of a state government, but this was not popular in a state where most of the people were speculating in lands, and wanted "progress." The general sentiment was expressed in a toast, at the Fourth of July dinner at Fort Harrison: "Indiana—another star upon the national banner, just rising into importance—may she always unite simplicity of manners with virtuous firmness and energetic patriotism."

Most of the electioneering in those days was by personal appeal to the voter. There were no parades, and few speeches. Letters were used freely; and it was quite common to have a letter, or article, published in a newspaper, and then have it reproduced in a hand-bill, which was handed about or mailed to the voter. In the electioneering by mail the members of Congress had a great advantage in the franking privilege, and they used it as much then as in later times. On March 31, 1821, complaining of the lack of mail matter, the Vincennes Sentinel said: "With the exception of the land law, which we got hold of by accident, we have little of interest to give to our readers. This dearth of news here is in part owing to the small number of newspapers received; the cause which, as we are informed, is this: The members of Congress when about returning to their homes, have a fashion of bundling up the articles they have collected at Washington such as dress patterns, bonnets and reticules for their wives and daughters; quarto bibles, novels, plays and state papers, kegs of oysters, lobsters, Irish potatoes and garden seeds, franking them all home in the mails at Uncle Sam's expense, along with their unwashed shirts, cravats, waistcoats and breeches." The editor cautiously observes, however, that this offense does not come from the Indiana members, but "there are packages passing through the state destined for other states, weighing more pounds than the law prescribes

ounces; thereby turning the mail carriage into a baggage waggon, full of pedlar's packs of natural and artificial curiosities."

The election passed off quietly, Jennings receiving 5,211 votes to 3,934 for Posey, the total being about two-thirds of the voters of the State. The majority for Hendricks was still larger; but the greatest majority was for Christopher Harrison, for Lieutenant Governor, as to which there appears to have been no caucus action. Harrison received 6,570 votes, his leading opponent being John Vawter, a Baptist preacher, afterwards quite prominent, who received 847 votes. There was a scattering vote for this office of 18 for Abel Finley, 14 for John Johnson, 13 for Davis Floyd, and 12 for Amos Lane. The General Assembly met on November 4, with ten senators and twenty-nine representatives as apportioned by the constitution. Six of the senators and ten of the representatives had been members of the constitutional convention, and a number of strong men were added, among them William Prince, Joseph Holman, John Paul, James Beggs, John Conner, Amos Lane, Williamson Dunn, Jonathan Lindley, Isaac Blackford, and Ratliff Boone. Isaac Blackford was elected Speaker of the House, and after inaugurating Governor Jennings and Lieutenant Governor Harrison, the caucus program was carried out without a hitch. James Noble and Waller Taylor were elected senators, and Jesse L. Holman and James Scott Judges of the Supreme Court. A law was adopted for the establishment of three Circuit Courts, and the judges were selected very probably as the judges of the Supreme Court—Benjamin Parke for the first circuit, David Raymond for the second and John Test for the third. On November 6 the legislature proceeded to the election of a Secretary of State, and chose Robert A. New, by a vote of 23 to 11 for Alexander Holton, three votes scattering. New was the oldest son of Jethro New, a Revolutionary soldier from Delaware, who removed to North Caroline, and, in 1794 to Kentucky, where he located in Owen County, near New Liberty, some fifteen miles from the Ohio river. He was the father of thirteen children, who preferred free soil to slave territory, and began moving to Indiana. Robert <sup>became</sup> a captain in the Indiana militia in 1814, and in 1815 was made "aid-de-camp to his excellency" Gov. Posey, with the rank of colonel. In the spring of 1816, he was made associate judge for Clark County. His brother John Bowman New located at Madison in 1815. He became a noted Campbellite preacher, and was the father of John C. New, Consul General to London; and the grandfather of Senator Harry S. New. A third son of Jethro, Hickman New, father of Judge Jephtha D. New, located near Vernon, in Jennings County; and in 1821 Jethro New, with the rest of his family, removed to the same place. Robert A. New had a very good education, and in March, 1819, while Secretary of State,



joined with R. W. Nelson, editor of the local paper, in conducting Corydon Seminary, "in which the Greek and Latin languages and the Mathematics will be taught at the usual prices per quarter. The English Grammar will be taught for \$8 per quarter. Reading, writing and arithmetic at \$5 per quarter." Jethro New was a "Primitive Baptist" of the strict school, and his children were brought up in that faith. There were some aspirants in the General Assembly for the other State offices, but after consideration, the House decided that it would be a violation of the constitution to elect a member to the office of circuit judge, or auditor or secretary of state. Accordingly they proceeded to election, and chose Daniel C. Lane Treasurer—of whom more hereafter. They also elected William H. Lilly Auditor. He was a practising physician, and devoted most of his time to his profession, leaving the auditing to a competent deputy. Moreover, his family lived in Kentucky, and after the capital was moved to Indianapolis, on May 9, 1826, the Indianapolis Gazette published an article inquiring whether the State had an Auditor and suggesting that as Mr. Lilly had "his family, property, etc., in Kentucky always, and is only absent one-third of the year in the sister state of Indiana" it was doubtful whether he was within the constitutional requirement of residence within the State. This appears to have affected the Auditor, for seven weeks later it was announced that he had formed a partnership with Dr. Galen Jones, a recent arrival at the capital, and that their office was in "the small frame building on Washington street, near Mr. Henderson's Tavern."<sup>2</sup> Both members of the firm became intemperate, and Dr. Lilly died in 1829.

There was another election that caused some reflection. On November 5, 1816, Amos Lane moved for a committee to consider the expediency of electing electors to cast the vote of the State for President and Vice President of the United States. On the 11th the committee report that it was expedient, was adopted by a vote of 20 to 4. On the 14th Jesse L. Holman, Joseph Bartholomew and Thomas H. Blake were chosen for this duty. The people had not voted on the presidency, either in Indiana or elsewhere, it being the custom at that time for the legislature to choose the electors, and the people to do their presidential voting in their choice of legislators. But Indiana had not yet been admitted as a state of the Union; and when the subject came up in Congress there were grave doubts whether Indiana was entitled to a vote. On December 2, at the opening of Congress, the Indiana senators and representative presented their credentials. Mr. Hendricks was at once seated; but the credentials of the senators were referred to a committee, which was also charged with

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<sup>2</sup> Journal, June 27, 1826.

the duty of inquiring whether "any, and if any, what Legislative measures may be necessary for admitting the State of Indiana into the Union." On the 6th the committee reported a joint resolution for the admission of the State, which was adopted. On the 8th this resolution came up in the House, where some members pronounced admission a mere formality, but others, especially Mr. Taylor of New York, thought that "so solemn an act as pronouncing on the character and republican principles of a State constitution ought to be more deliberately considered than was proposed." Accordingly the resolution went over to the 9th, when it was adopted. It was approved by the President on the 11th and the admission of the State therefore dates from that day. The senators were sworn in and took their seats on the 12th.

The count of the electoral votes was taken up by the joint session of the Senate and House on February 12, 1817. When Indiana was reached Taylor, of New York, objected to counting the vote as a dangerous precedent. The Speaker ruled that nothing was in order at the joint session but counting the votes, notwithstanding protests that this necessarily included deciding what votes could be counted. The Senate then withdrew, and the House proceeded to discuss the question. Most of the members appeared to think it was too late to question the right of the State to vote after its admission; and the debate was closed by the maiden speech of Mr. Hendricks, who took a position that seems rather radical at this day. He held to the view later announced by Daniel Webster, that the articles of compact in the Ordinance of 1787 were superior to any constitution, and said: "The only question for Congress to decide was whether the State had complied with the requisition of the act of the last session—whether the constitution adopted was republican or not—nothing more. Suppose, indeed, that the State had adopted no constitution at all; had chosen to live under their laws alone, and had not thrown their State government into the form of a constitution, would the State have been therefore deprived of her rank in the Union? The Ordinance of '87 had guaranteed a State government when they had reached a certain population, and Congress could require of them no more than had been done." He insisted that he had been admitted as a Congressman before the resolution admitting the State had been adopted, and that the right of the electors to vote was as clear as his right.<sup>2</sup> The House decided that Indiana had the right to join in the election, by a vote that was so nearly unanimous that no division was asked. The Senate had also gone into the discussion, but before it reached any conclusion, notification came that the House was ready to go on with the count.

<sup>2</sup> *Annals of Congress*, 1816-7, p. 947.

And so Indiana's first vote was recorded for James Monroe for a second term. It did not make any material difference, for his vote was 183 to 34 for Rufus King.

In his message to the legislature of 1816-7, Governor Jennings introduced the subject of slavery, which was the chief disturbing factor in Indiana for years to come, in these words: "I recommend to your consideration the propriety of providing by law, to prevent more effectually any unlawful attempts to seize and carry into bondage persons of color legally entitled to their freedom; and, at the same time, as far as practicable, to prevent those who rightfully owe service to the citizens of any other State or territory, from seeking, within the limits of this State, a refuge from the possession of their lawful owners. Such a measure will tend to secure those who are free from any unlawful attempts to enslave them, and secure the rights of the citizens of the other States and territories as far as ought reasonably to be expected." The legislature understood the necessity for such legislation; and adopted a law against man-stealing, an offense which consisted of attempting to remove anyone from the State except as provided by this law. Anyone claiming a right to the service of another was required to bring him before a judge, or justice of the peace, for a hearing of both parties; and if the judge thought the claim well founded, he could bind the person claimed over to the next term of the Circuit Court, where he was to have a jury trial of his right to freedom. If he could not give bail, he must go to jail until the trial. The claimant was to pay the costs, in any event. Violation of these provisions was punishable by fine of not less than \$500 nor more than \$1,000. By the same law, harboring escaping slaves, or encouraging slaves to desert their masters, was made punishable by fine of not over \$500; and giving a slave a false certificate of emancipation was made punishable by fine of not over \$1,000.<sup>4</sup>

At this period the chief offense was the kidnaping of free negroes. The population of Indiana was within a comparatively short distance from the Ohio river, and Kentucky extended to low water mark on the Indiana shore. From the earliest times of American occupation the river had been infested by outlaws who preyed on their fellow-men. For illustration, Benjamin Van Cleve, who was thoroughly familiar with rough life on the frontier, gives this picture of social conditions at Red Bank (now Henderson, Ky.), in 1794: "This place is a refuge, not for the oppressed, but for all the horse thieves, rogues and outlaws that have been able to effect their escape from justice in the neighboring states. Neither law nor gospel has been able to reach them here as yet. A com-

<sup>4</sup> Acts of 1817, p. 150.

mission of the peace had been sent by Kentucky to one Mason; and an effort had been made by the southwest territory (Tennessee) to introduce a law, as it was unknown as yet to which it belonged; but the inhabitants drove the persons away and insisted on doing without. I enquired how they managed to marry, and was told that the parties agreed to take each other for husband and wife before their friends. I was shown two cabins, with about the width of a street between them, where two men a short time ago had exchanged wives. An infair was given today by Mason, to a fellow named Kuykendall, who had run away from Carolina on account of crimes, and had run off with Mason's daughter to Diamond island station, a few days ago. The father had forbid him his house and had threatened to take his life, but had become reconciled, and had sent for him to come home. The parents and friends were highly diverted at the recital of the young couple's ingenuity in the courtship, and laughed heartily when the woman told it. She said she had come down stairs after all the family had retired, having her petticoat around her shoulders, and returned with him through her parents' room, with the petticoat around them both and in the morning she brought him down in the same manner before daylight. This Kuykendall, I was told, always carried in his waistcoat pockets 'devil's claws,' instruments, or rather weapons, that he could slip his fingers in, and with which he could take off the whole side of a man's face at one claw. We left them holding their frolic. I afterwards heard that Kuykendall was killed by some of the party at the close of the ball. A few years afterwards, Mason and his sons, with some others, formed a party and waylaid the roads between Natchez and Tennessee, and committed many daring robberies and murders."<sup>5</sup>

Such lawlessness reached its culmination in the gang of that talented pirate, John Murrell, whose business motto was, "Never rob a man unless you are willing to kill him." To this element a free negro ranked very much as a stray horse. One of Murrell's favorite occupations was inducing a negro to run away from his master, under pretense of guiding him to freedom, and then selling him to some other slave owner. At times he would arrange this with the negro, it being understood that he would run away from his new owner, and seek fresh fields with Murrell, but he always landed in slavery. In early Indiana kidnaping was as easy as it was profitable and there was probably not a river county of the State that did not have its victims. Usually they simply disappeared; but occasionally trace of them was found later. When it was certain that slavery was going to be abolished by the constitution of Indiana, the

<sup>5</sup> Mich. Pion. and Hist. Coll., Vol. 34, p. 744.

disappearance of slaves and indentured negroes increased. A negro woman held by John Warlick, near Owensville, disappeared in this way just before the constitution of 1816 was adopted, and later turned up in Kentucky, where through the intervention of friends she was released by a court, on account of her residence in Indiana, under the Ordinance of 1787. Three slaves of John Decker had a similar experience, being kidnaped from Gibson County, and later being released by a Mississippi court.<sup>6</sup> At that time the prejudice of southern courts in favor of slavery, was offset by the policy of preventing emigration to free states, as well as by a natural sense of justice that had not yet become blunted. In 1821, William Forster wrote from Vincennes: "I am sorry to say there are many slaves in the town—I suppose mostly such as were held under the territorial government; but the State Legislature had made provision for their freedom. We hear sad stories of kidnaping. I wish some active benevolent people could induce every person of colour to remove away from the river, as it gives wicked, unprincipled wretches the opportunity to get them into a boat, and carry them off to Orleans or Missouri, where they still fetch a high price. I have been pleading hard with a black man and his wife to get off for some settlement of Friends, with their five children; and I hope they will go. I hardly know anything that would make me more desperate than to be in the way of this abominable system of kidnaping; I cannot say, when once set on to rescue a poor creature, where I would stop. It is most shocking to think that they will betray one another, and sometimes the black women are the deepest in these schemes. A poor man told us that he never went to bed without having his arms in readiness for defence."<sup>7</sup>

There was nothing unfair in the Indiana law, but the Kentuckians seemed to regard it as a grievance. On July 14, 1818, Niles Register contained this item: "Three Kentuckians, armed, on the 5th inst. (June) knocked down a negro woman in the street at Corydon, Indiana, and carried her off, threatening death to any persons that should interfere. Such infractions of the law cannot be suffered, and if not checked, will produce very unpleasant collisions among our western brethren." For obvious reasons, Indiana people were not in a very conciliatory frame of mind when, at the next session of the legislature, Gov. Jennings presented a letter from Gov. Slaughter of Kentucky, written in pursuance of a resolution of the legislature of Kentucky, "concerning the difficulty said to be experienced by our citizens in reclaiming their slaves, who escape into your state." The letter was courteous in form, but it expressed regret that the writer had not received a statement of the cases

<sup>6</sup> Cockrum's Pioneer Hist. of Ind., pp. 572-3.

<sup>7</sup> Indiana as Seen by Early Travelers, p. 257.

on which the complaint was based, and stated that he did not know whether the difficulty complained of was due to a lack of energy on the part of Indiana officials or to the prejudice against slavery. This part of the Governor's message went to a committee that reported its opinion that the Governor and Legislature of Kentucky had been influenced "by the improper representations of individuals who have been disappointed in their attempts to carry away those whom they claimed as slaves, from this state, without complying with the preliminary steps required by law; together with the groundless assertions of unprincipled individuals, who have attempted in many instances, to seize and carry away people of color, who were free, and as much entitled to the protection of the laws as any citizen of Indiana." Furthermore, if the Governor of Kentucky would specify his cases, they would be found to be of one of these two classes. They resented the intimations of lack of energy on the part of Indiana officials, and of a prejudice against slavery. There was some difference of opinion as to the enormities of slavery, but there was "but one sentiment on the subject of people of color migrating, in any circumstance, to the State. It is believed, if not restricted, it would in time become of not much less magnitude than slavery itself." But while colored citizens were not desired, they owed it to the dignity of the State "to defend them against the grasp of miscreants, who have, in repeated instances, attempted to carry them away from our shores into perpetual slavery."<sup>8</sup> No action was taken on the line of this report, probably because the members came to the conclusion that it was a hardship to make the claimants wait until the next session of the court for a trial.

An act was passed, approved Jan. 2, 1819, providing that when an alleged slave was held for trial by a justice, the judges of the Circuit Court should hold a special session, at which the question should be tried by a jury. It also added to the punishment for man-stealing a public whipping of not less than ten nor more than one hundred lashes. This concession did not satisfy the Kentuckians, and there was continued complaint for several years. Meanwhile Indiana was stiffening up on the slavery question. Even Vincennes was invaded by the anti-slavery element. In 1817 a number of Canadians who had served in the American army came to the state to claim the bounty lands which Congress had appropriated for them in Indiana. Among them was Major Markle, who located near Terre Haute, and built a celebrated old mill, and John Willson Osborn, who went to Vincennes. Osborn was a grandson of Col. John Willson, a British officer, stationed in New York, who went to Canada at the outbreak of the Revolution. His father was Capt.

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<sup>8</sup> House Journal, p. 50.

Samuel Osborn of the British navy. Although his people were wealthy, young Osborn learned the printing trade in the office of the Upper Canadian Guardian and Freeman's Journal, which was conducted by Joseph Willock, Member of Parliament from the Niagara district, who was decidedly pro-American in his views, and who was killed in the American service, near Fort Erie. In this employment Osborn took on Ameri-



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can ideas, and at the beginning of the War of 1812, went across Lake Erie and joined Capt. Mahar's company of "Irish Greens," for which he was disinherited by his grandfather. This did not worry Osborn, who, when he got through soldiering, went into the newspaper business at Homer, N. Y., for a time, and then started the Cortland Republican, at Cortlandville. While here he married Ruby Bishop. He arrived in Vincennes in June, 1817, and at once found employment in the office of the Western Sun, and a few weeks later became a partner, and edi-

tor of the paper. This lasted but a few months as Osborn had very pronounced anti-slavery views, which did not hinge with those of Elihu Stout, the proprietor of the paper; and so they "dissolved" and Osborn went to farming.

In 1819 Osborn was joined at Vincennes by his brother-in-law, Amory Kinney, a native of Vermont, who had read law at Cortlandville, in the office of Samuel Nelson, later a justice of the Supreme Court of the United States. Both Osborn and Kinney were satisfied that the slavery existing in Indiana was illegal, and they united to make a test case with two lawyers, Col. George McDonald, of New Jersey, the preceptor and father-in-law of Judge Isaac Blackford, who entered the practice at Vincennes in 1819; and Moses Tabbs, a son-in-law of Charles Carroll of Carrollton, signer of the Declaration of Independence, who was admitted to the bar at Vincennes in 1818. The test was made by an action of habeas corpus on behalf of a mulatto woman named Polly, held as a slave by Col. Hyacinthe Lasselle, the principal tavern keeper of Vincennes. Lasselle was one of the old families of the French in Indiana. His father, James Lasselle, was an Indian trader at Ki-ki-on-ga (the Indian village at the site of Fort-Wayne) until the attack on that place by LaBalme; and Hyacinthe was born there in 1777. He entered the fur trade at the age of sixteen, at Detroit, removing to Fort Wayne after Wayne's victory, and then to the Wabash, where he traded until 1804. In that year he located at Vincennes, and the next year married Julie Frances Busseron, daughter of Major Francis Busseron, who gave notable aid to Gen. George Rogers Clark. The suit was of a friendly character, the defense being conducted by Judge Jacob Call, later a representative in Congress. The case presented the question of the old French slavery, Polly being the daughter of a negro woman who had been captured by the Indians in the Revolutionary period. The Circuit Court held her to be a slave, but the Supreme Court held that the people of Indiana had the power to abolish slavery, without regard to the Virginia Deed of Cession, and that "the framers of our constitution intended a total and entire prohibition of slavery in this state."<sup>9</sup>

This decision was made in July, 1820, and it created some resentment among the slave-holders, who threatened vengeance on Osborn and Kinney, but those gentlemen manifested a readiness to meet any one hunting for trouble, and no casualties resulted. For some time a newspaper had been edited at Vincennes, by Nathan Blackman which was not exactly anti-slavery, but was in opposition to the Sun. Blackman died on December 19, 1821, and when his estate was disposed of, Kinney

<sup>9</sup> State v. Lasselle, 1 Blackf., p. 60.



bought the printing office, and, on December 14, 1822, began the publication of *The Farmers and Mechanics Journal*, with Osborn as editor. This was as fully anti-slavery as any of the papers of the period, and for that reason was not popular at Vincennes, so after six months, Osborn removed to the new town of Terre Haute, and on July 21, 1823, began the publication of the *Western Register and Terre Haute Advertiser*. His papers at both places were ably conducted, and had large influence in crystallizing the growing sentiment against slavery, which was stimulated by the lawless acts of the Kentucky roughs and their Indiana allies. At the legislative session of 1820, impeachments proceedings were instituted against Jacob Brookhart, a justice of the peace of Clark County, charging that he did "wilfully and corruptly aid, abet and assist in unlawfully arresting, imprisoning and running out of the state one Isaac Crosby, a man of color." The trial was set for December 21, but Brookhart resigned, and the proceedings were dropped.<sup>10</sup> On February 8, 1821, there was a riot at New Albany over an attempt to kidnap a negro named Moses, who was brought there by a Kentuckian named Case. After he had lived at New Albany for a year, and it was commonly understood that he was free on that account, he was seized on an execution against Case. The hearing before a justice of the peace was set for February 8; the claimant's agent appeared at the trial accompanied by "forty-three able bodied men." Only nine of these were sworn as witnesses, and the talk and manner of the delegation were so threatening that the sheriff called out the militia, twenty of whom, under Col. Charles Paxson, paraded near the court. The court released Moses, and the Kentuckians seized him, and undertook to carry him off, which was promptly resisted by bystanders. Thereupon, "Judge Woodruff stood forth and with a loud voice commanded the peace, no sooner were the words uttered than he was knocked flat on the ground by a person from the other side of the river." When this occurred the militia charged the Kentuckians, and "several of them were knocked down with muskets and others pricked with the bayonets, and some badly wounded." The result of the affair was that Moses remained on free soil, and the discomfited kidnapers returned to their old Kentucky home.<sup>11</sup>

There were other cases of kidnaping in Indiana,<sup>12</sup> but these will suffice to present the local background when the Missouri Compromise brought slavery to the front in national politics, or rather the admission of

<sup>10</sup> House Journal, 1820-1, pp. 93, 118, 155.

<sup>11</sup> Centinel, March 3, 1821.

<sup>12</sup> For an interesting collection of kidnaping stories, see Cockrum's *Pioneer History of Indiana*, Chap. 28.

Missouri, which is sometimes called "the second Missouri Compromise." The Missouri enabling act provoked little antagonism, but when Missouri offered a constitution that prohibited the emancipation of slaves, and the introduction of free negroes to the state, there was widespread remonstrance. Gradual emancipation was one of the unquestionable Jeffersonian doctrines, and the national constitution clearly prohibited any state from denying rights to citizens of other states that were exercised by its own citizens. Missouri refused to recede, and the matter was compromised by an act of Congress admitting the state, but on the "fundamental condition" that its legislature should promise never to pass a law excluding negroes. The Missouri legislature then passed a "solemn act," promising not to pass such a law, which was of course not valid, as it was in direct conflict with the constitution from which the legislature derived its existence; but Missouri was in. Congressman Hendricks and Senator Noble voted against the admission, and Senator Taylor voted for it. The Indiana House of Representatives, on December 20, 1820, passed a concurrent resolution condemning the Missouri constitution, and directing the Indiana senators and representatives to urge the calling of another Missouri convention, and give the people of the state an opportunity to adopt a constitution without these obnoxious provisions; and similar action was taken in other northern states. The resolution passed the House by a vote of 22 to 5, but it was not passed by the Senate. It did not mention any names, but of course condemned Taylor by implication.

The Missouri people denounced these objections as hypocritical, and with apparent cause. Indiana did not want free negroes. The report on Governor Slaughter's letter, quoted above, declared that there was "but one sentiment" in Indiana, and that was against the immigration of negroes, slave or free. In 1816 M. E. Sumner, of Tennessee, had asked legislative permission to settle in Indiana forty slaves that he proposed to emancipate, promising to provide for them so that they would not become public charges. Representative Boone moved that the petition be thrown under the table, but it was referred to a committee, of which John Dumont was chairman, and he reported in substance, "It would be impolitic to sanction by any special act of the general assembly, the admission of emancipated Africans into this state; the reasons are that the negroes being a distinct species; insuperable objections exist to their participation in the rights of suffrage, representation in the government or alliance by marriage, and that in consequence, they could never feel themselves completely free." The report further suggests "the probability of intestine war at a future period," and urges that

Congress should take action for foreign colonization.<sup>13</sup> There was some discussion of the report, but no dissent as to the sentiments; and finally, as no agreement could be reached, the matter was dropped. In reality there was no occasion for any action, for Mr. Sumner could have brought as many negroes into Indiana as he liked without any legislative permission. The only restriction of the constitution was that they could not vote, nor serve in the militia. And while the objection to negro immigration was almost as pronounced in Indiana as in Missouri, there was nothing hypocritical about Indiana's objection to Missouri's constitution. The point was that if Missouri could exclude the undesirable class, it would force them into other states which wanted them as little as Missouri. Moreover, the states that tolerated slavery were the responsible source of the free negroes, and, in fairness, ought to keep at least their share of them. Missouri kept faith with the nation until 1847, and then passed a law prohibiting negro immigration. Four years later, Indiana did the same thing, by the constitution of 1851.

In connection with the Missouri question, it may be mentioned that some Indiana writers have been misled as to Indiana sentiment by an article published in the *National Intelligencer* of February 5, 1821, giving what purported to be resolutions adopted at a mass meeting at Montgomeryville, Gibson County, Indiana, which condemned Hendricks and Noble for their votes, and commended Taylor.<sup>14</sup> This article was widely republished in Indiana papers with indignant and sarcastic comments. The *Corydon Gazette* printed the resolutions, which request John W. Maddox "to inform members who voted against the admission of Missouri that they disapprove," and expressed satisfaction that this would advise the outside world that there was such a politician as John W. Maddox in Indiana. It also stated that Montgomeryville was "a town only in name, as it contains only three or four round logged cabin roofed houses, and some of them without a tenant." In reality Montgomeryville was something like Boston,—“not a place, but a state of mind”—but Major John W. Maddox was a man of some prominence in Gibson County, for he gave one of the toasts at the dinner to Gen. Harrison, at Princeton, on June 9, 1821. On April 7, the *Centinel* printed a letter over his name, protesting against the disparagement of Montgomeryville, which he asserted to possess some houses of “hughed loggs,” but it is so fearfully and wonderfully spelled and composed as to throw doubt on its authenticity. The matter attracted so much attention that a genuine Gibson County meeting was held, and Samuel Montgomery, Jesse Emerson and Maj. James Smith, prominent citizens, were appointed to draft

<sup>13</sup> *Niles Register*, Vol. 11, p. 313.

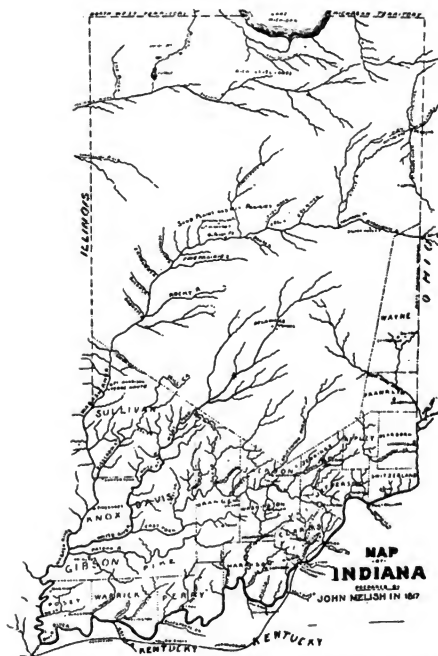
<sup>14</sup> *Esarey's Indiana*, p. 252.

resolutions. They reported that the prevailing discussion was liable to injure the reputation of Gibson County, and stated that, "Montgomeryville is neither Town nor Village; that there are not more than two or three voters resident at said place, and that the resolutions spoken of must have been the production of some one or two individuals only."<sup>15</sup> Possibly the whole thing may have been a scheme of Maddox to advertise himself.

During all these years there had been some demand for another constitutional convention, and it was formally proposed in the legislatures of 1819, 1821 and 1822. At the last named session a bill was passed to submit the question to the voters at the election in August, 1823. It is unquestionable that there were some defects in the constitution of 1816, that were already apparent to some of the people, the principal ones being the expense of annual sessions of the legislature, the absurdity of associate judges of the circuit courts, and the unsatisfactory system of removal of local officers by impeachment in the legislature; but they were not apparent to the masses, and they were ready to suspect that there was some sinister design in the proposition. This was promptly supplied by the charge that the object was to introduce slavery into the State. It is simply incredible that the legislature of 1822 had any such motive, but as the campaign developed everything seemed to support that theory. The advocacy was chiefly by Kentucky papers, which, with rare imbecility, expressed the hope that Indiana would admit slavery.<sup>16</sup> The one Indiana newspaper that declared for a convention was the Vincennes Sun, and there is reason to believe that some of the Knox County people had been dreaming of a convention that would admit slavery, for one of the standing toasts at Vincennes dinners had been to the effect that the people had made the constitution, and could change it at their pleasure. But Vincennes now had an anti-slavery paper, and on July 3, Osborn printed an article signed "B. Whitson," in which is said: "Most of you who settled in Indiana under territorial government were emigrants from those states where you could say, 'My ears are pained, my soul is sick, with every days report and outrage with which the earth is filled.' You saw the land of freedom with anxious eye. You braved the difficulties of removing; you endured the hardships and underwent the privations of settling in a country where you no more expect to witness those scenes of inhuman barbarity inflicted on the unfortunate and unoffending descendants of Africa. But some of our citizens have rose to opulence; and it seems that they now wish to be placed in easier circumstances, as to themselves and their children. They think it too hard for

<sup>15</sup> Centinel, May 5, 1821.

<sup>16</sup> Kettleborough's Constitution Making in Indiana, Vol. 1, pp. xlvii-li.



This is the latest map showing the effect of LaSalle's report of his route from Lake Erie to the Illinois, by way of the Maumee, St. Josephs, and Kankakee, which caused Lake Michigan and the sources of the Kankakee to be thrown to the East.)

'Master Tommy to saddle his own horse, and little Miss to wash the dishes and sweep the kitchen.' Can any discerning mind doubt for a moment, but that our last legislature was infested with men of this description? From what else could the bill originate, but from a desire to introduce slavery into this state? Can we consent to sink our reputation to a level with those states who say one thing and do another? • • • Some will tell you it is impracticable to introduce slavery into this state, because, they say, we are under the control of congress; and that we cannot frame a constitution contrary to the principles under which we went into state government. But I will assert on the authority of Governor Hendricks' word, that congress has no power over us, to prevent us from forming a constitution which will admit slavery. It is true congress would not suffer us to form a constitution tolerating slavery; yet the act of congress was for the purpose 'of admitting us into the Union, on an equal footing with the original states.' But many of the original states constitutions tolerate slavery, and if we are 'on an equal footing,' we may, if we please, tolerate slavery too. • • • What if there are small defects in our constitution? If there are it shuts out from our state the sooty slave, and his sable master. • • • Never give up a certainty for an uncertainty. It is easier to prevent an evil than to remove it.<sup>17</sup>

There was another outside influence as potent as Kentucky advocacy of a convention. Illinois had called for a vote on calling a convention this same year, and James Lemen was still on guard in that state. On March 22, 1823, a convention was held at Belleville, and The St. Clair Society for the Prevention of Slavery in the State of Illinois was organized, with John Messinger as Chairman, and James Lemen and Samuel Mitchell as Managers. They issued a strong address against slavery, which was charged to be the avowed purpose of the proposed Illinois convention. Osborn published an account of the convention, the address, and a strong editorial urging the Illinois people, a number of whom were his subscribers, to vote against a convention. He also warned the Indiana people to be on their guard against the like danger.<sup>18</sup> The final touch was added by an atrocious kidnaping case. On May 23, J. C. S. Harrison wrote from Vincennes to his father, Gen. Harrison, in Ohio, that Jack Butler, a former bond-servant of the General, had been carried off, together with his wife, two boys and four girls. He said they had evidently been kidnaped by three men, calling themselves Baird, Myres and Welsh, who had come over from Vandalia some days earlier, and had bought a skiff on the 22d., with which they had disappeared. He had

<sup>17</sup> Farmers and Mechanics Journal, July 3, 1823.

<sup>18</sup> Farmers and Mechanics Journal, June 19, July 10, 1823.

sent a man to try to intercept them, but without success. General Harrison at once published the letter in the Cincinnati National Republican, together with an offer of \$50 reward for the arrest of any of the kidnapers, and the same amount for conviction. He asked newspapers of the southern states to copy and made a personal appeal to the governors of Louisiana and Mississippi to arrest the fugitives if possible. In this article he said: "Jack Butler, the man, belonged to a respectable farmer in Washington Co., Ky., from whom he ran away in the year 1801 and came to Vincennes. His master pursued him, and having apprehended him was about to take him home, when on the solicitation of the negro, I purchased him for the sum of four hundred dollars, upon his agreement to serve me for twelve years. This he faithfully performed, and was discharged in 1813. His wife, whom he married during the time that he was my servant, was the daughter of a free woman named Mary Cauty, who then, and had for years before, resided in Vincennes. I do not know from whence the mother originally came, but she could not have been a native of any of the U. States, as she spoke no English—herself and family using altogether the French language. After Jack was discharged from my service, he lived in Vincennes until the year 1816; and from that time until he was taken away he remained on a small farm of mine on the Illinois side of the Wabash, which I permitted him to occupy in consideration of his faithful services to me."

Harrison's efforts were successful; and within a month it was announced that the kidnapers were arrested and in jail at New Orleans. Osborn said: "They were on the point of embarking for some of the W. India islands, when from some deficiency in their clearance papers, suspicion was excited and they were taken up, examined, and committed to jail." He added: "We have frequently remarked the promptitude with which, in general, the citizens of slave states, both those in authority and in private stations, have come forward to rescue from illegal bondage persons of colour."<sup>19</sup> Here was an illustration of the evils of slavery that could not be questioned, and it had weight in the election, which resulted in only 2,601 votes for a convention with 11,991 against. Osborn printed the returns from Knox County, which had favored the convention, but by a vote of only 353 to 345 against, with the comment: "This is much as we expected it would be, although some of the sage 'resident-ers' of the ancient order felicitated themselves with the pleasing dream of 'three to one in favor of the new Convention,' and as they termed it 'plenty of sarvents.'"<sup>20</sup>

After the War of 1812 immigration to the northwest became rapid,

<sup>19</sup> Farmers and Mechanics Journal, July 10, 24, 1823.

<sup>20</sup> Western Register & Terre Haute Advertiser, August 13, 1823.  
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and measures were taken by the Government to extinguish more of the Indian titles in Indiana and Illinois. There was trouble over conflicting claims of Indians to the same lands, and uncertainty as to some boundary lines, which necessitated some minor treaties, and caused provisions in others ratifying previous treaties and boundaries. In 1809 Gen. Harrison had bought from the Kickapoos a tract west of the Wabash running twenty miles up the Vermillion, and in 1816 Benjamin Parke made a treaty with the Kickapoos and Weas for the same land. In September, 1817, Lewis Cass and Duncan McArthur made a treaty with the Wyandots and others for a tract in northwestern Ohio and northeastern Indiana, connecting Fort Wayne with Lake Erie and the ceded lands in Ohio. The important treaty for Indiana, however, was made at St. Marys, in October 1818, by Jonathan Jennings, Lewis Cass and Benjamin Parke. On October 2, the Weas released all of their lands in Indiana except a reservation seven miles square on the Wabash, running north from the mouth of Big Raccoon Creek. On the same day the Potawatomis released all claims south of the Wabash, and a strip twenty-five miles wide north of the Wabash, extending from the Vermillion to the Tippecanoe. On the 3d the Delawares released all their claims in Indiana, and agreed to move west of the Mississippi within three years, for which purpose they were to be furnished 120 horses, pirogues and provisions. On the 6th the Miamis released all of their lands south of the Wabash, excepting some small reservations, and one large one, extending from the mouth of the Salominie to the mouth of Eel river, and an equal distance south, and including 1,500 square miles. The large tract in Indiana thus obtained was commonly known as "The New Purchase," and, indeed, was so called in the act of the legislature for the division of Wayne County, of January 10, 1818. In his message to the legislature, of December 7, 1819, Governor Jennings calls it "the late purchase"; but the legislature, in its act establishing counties in it, call it "the new purchase, lately acquired from the Indians."<sup>21</sup> Before these treaties, only the southern part of the State, about one third of its extent, was open to settlement. They added substantially another third, in the center of the State. The act of 1820, above mentioned, added parts of the new purchase to adjoining counties, and divided the remainder on the line of the second principal meridian, the part east of the line being called Delaware County, and that west Wabash County.

In this connection it will be well to note the survey system of Indiana, the history of which has been very fully unearthed by Mr. Geo. R. Wilson of "the Freeman Line Commission." Although following the

<sup>21</sup> Acts of 1820, p. 95.



same system of division, the Indiana surveys are entirely independent of the Ohio surveys, except in the triangular tract in the southeastern part of the State, east of the Greenville Treaty line, which is known as "the Gore." The first large survey in Indiana was of the Vincennes Tract, originally given by the Indians to the French in 1742, and ceded to the United States by the Treaty of Greenville. In 1801 Governor Harrison wrote to the Secretary of War that the difficulty of keeping squatters off the Indian lands was much increased by the fact that the tract had not been surveyed, and the boundaries established. In 1802 the Government sent Thomas Freeman, a Government Surveyor, who had been appointed in 1796 to run the line between Spanish Florida and the United States, to survey the Vincennes Tract. This tract was twenty-four leagues in width, up and down the Wabash, from White river to Pointe Coupee near Merom, by twice that length, extending on both sides of the Wabash. Freeman made the survey in 1802 and 1803; and the two Indiana corners, the northeastern in Orange County, and the southeastern in Perry County, are still known as "Freeman's Corners." In making the survey it was found that white settlements had already encroached on the Indian lands in the vicinity of Carlisle, in Sullivan County, and of Princeton, in Gibson County, and by a supplemental treaty at Fort Wayne, on June 7, 1803, it was agreed that offsets should be made to take in these two settlements and the north and south lines were so surveyed. In 1804, Ebenezer Buckingham, Jr., began the main survey of Indiana lands, and he took Freeman's southeast corner for his starting point. He ran the Base Line east and west from this point, and also evidently intended to run the second principal meridian through this point, but in 1805, he threw this twelve miles east, presumably to take it out of the Vincennes Tract, which makes it run through Freeman's northeast corner. In consequence, all land descriptions in Indiana refer back, by township and range numbers, to Freeman's corners.

Here also may be noted the beginning in Indiana of our present Indian system. The Indian school of Isaac McCoy has often been mentioned by Indiana writers, but the significance of his work has been overlooked. McCoy was a most remarkable character. Many of the pioneer preachers underwent great hardships, but no other equaled McCoy in this respect. In fact, St. Paul himself had no more strenuous life. Like the Apostle to the Gentiles, he was converted by a great light. At the age of seventeen, while working in the woods, on a dark misty day, he suddenly had the impression of a bright light about him, and turned to see if the sun had come out, when it vanished. At the same time he had his "call." He says: "I not only felt an impression to preach, but I felt strong impressions to publish salvation to the inhabitants of Vin-



*Christiana McCoy.*



*Anne McCoy.*

cennes. I could not account for these impressions, as I was an entire stranger to the place, and knew but little of it by information, and the accomplishment of such a thing seemed impracticable." He knelt in prayer, and thereafter had no doubt as to his duty. He had not been especially sinful. He was born in Fayette County, Pennsylvania, June 13, 1784. His father, who was a Baptist preacher, removed to Kentucky when he was six years old, and he grew up there, known throughout the neighborhood as a boy with a fondness for books, and an aversion to evil in all forms. In 1803 he married Christiana Polke, a daughter of Charles Polke, the Baptist preacher who was a member of the Indiana Constitutional Convention of 1816. His calling was so impressed on his mind that "in settling the match he told her that he must move directly to Vincennes." Six months after their marriage they removed to Vincennes; but finding the climate sickly, and no opening for missionary work, they went to Clark County, and located near the Silver Creek Baptist Church, to which his father, William McCoy, had been ministering for several years. Here they lived for three years, and here he was licensed to "exercise his gift" of preaching. Then they moved back to "the Wabash country," and settled eight miles northeast of Vincennes near his wife's uncle, Major William Bruce. Here he purchased fifty-four acres of land, on Maria Creek, and soon after the Maria Creek Baptist Church was constituted, with him as pastor. He was not a tent-maker as Paul was, but he had learned the trade of a wheelwright from his father, and not only made spinning-wheels, but repaired all sorts of farming implements. During the War of 1812, all the settlers in the vicinity lived in a fort, and McCoy, who had frontier training with a rifle, was a leader in the precautions against hostile Indians. Between times he went on missionary journeys through Kentucky and as far as Missouri.

After the war, McCoy's thoughts were turned towards the Indians, whose wretched condition attracted the sympathy of all intelligent men familiar with it. The controversy in the Baptist church over the subject of missions had already begun. The Calvinistic brethren, holding to predestination and election, considered missions, Sunday schools, an educated ministry, tracts, and all other organized efforts at salvation as works of the devil, being officious interferences with the established will of God. In the division of the church that followed these were known as "Primitive Baptists," or more familiarly as "Hard Shells." McCoy met some opposition from these, but his personal popularity gave him support in the churches where he was known. In October, 1817, he succeeded in getting an appointment from The Board of the Baptist Triennial Convention (now Missionary Union), for one year, for parts

of Indiana and Illinois, with instructions "to give attention to the Indians as far as practicable." He began his work with seeming hopeless obstructions. He knew nothing of Indian languages, and the only available interpreters were French Catholics, who used their influence with the Indians against him. In this first year he obtained the promise of only two-half-breed children for his proposed mission school from their Indian mothers; and these were refused by their Catholic fathers. The net result of the first year's work was that he bought a small tract of land on Raceoon Creek, near the present town of Montezuma, Indiana, as near the new Wea reserve as he could conveniently get, and put up two log cabins for his proposed mission. In October 1818, although his appointment had not been renewed, he moved with his wife and seven small children to this location, accompanied only by a young man named Martin, who was employed as an assistant. Martin was a professed atheist, but he was the only help available, and he was later converted through the efforts of McCoy, and himself became a missionary. After getting settled, he left his family at the mission, and went with Martin on a journey through the wilderness of central Indiana, in search of Indian pupils, going as far as the Shawnee towns on the Ohio border. The Indians, when sober, were courteous, but rather suspicious. They could not understand a white man who wished to do something for them from purely disinterested motives. Chief Anderson, who had just taken part in the New Purchase treaty, told him that when the Delawares were settled beyond the Mississippi, and had some assurance that they would not again be disturbed, he would be glad to consider his proposals, but for the present nothing would be done. McCoy returned to the mission, and on January 1, 1819, opened his school, with six white children from the families of the nearest settlers, and one lone Brotherton Indian boy, who was taught, boarded and clothed gratuitously.

McCoy had come home with a fever, and he had repeated attacks afterwards, which several times brought him to death's door. He had a weak stomach, and the Indian cooking on which he had to rely when traveling, was often of a character to try a strong stomach. This, added to great exposure in a country where malarial disease was prevalent even among the Indians, brought recurrent spells of sickness that at times prostrated him for weeks. But, when strong enough to ride a horse, he kept at his work, and gradually broke down the distrust of the Indians, as well as gaining the confidence of the whites with whom he came in contact. At the same time he was making every effort to acquire the Indian languages, under the most discouraging circumstances. Late in the fall, Martin left him, to preach in the white settlements, and was replaced by Johnston Lykins, another unbeliever, who later became a

convert, and a devoted Indian missionary. In May, 1820, in response to an invitation from John Johnston, the Indian agent at Fort Wayne, and influential Miami chiefs, the mission was moved to Fort Wayne. The effects of the mission were sent up the Wabash in a bateau, except some cattle and hogs, which were driven overland, McCoy and his wife and children going on horseback. In this removal they were assisted by McCoy's brother-in-law, William Polke, of the Constitutional Convention of 1816, who subsequently took much interest in the mission, and aided on the material side of the work.<sup>22</sup> On May 29, 1820, the school was opened at Fort Wayne with ten English pupils, six French, eight Indians and one negro. The school grew rapidly, and the difficulty of maintaining it grew in proportion, for it had no regular support. If generous people had not responded to McCoy's appeals for aid with gifts of food and clothing it must have been abandoned. Gov. Cass heard of it at Detroit, and came to the rescue with \$450 worth of food and clothing from public funds. But with all of this, Mrs. McCoy was at times left with two or three dozen scantily clad Indian children, and no food in the house but a small supply of hominy. She was entitled to as much credit as McCoy for pulling the school through. She not only attended to the housekeeping but instructed the Indian girls in all sorts of domestic employments. McCoy's mechanical skill enabled him to give instruction in all sorts of mechanical work that was useful on the frontier, and between them the school demonstrated its utility to the most skeptical; for there were skeptics, some of whom even pronounced McCoy a fool for trying to teach Indians. One notable convert to the usefulness of the work was John Vawter, an elder of the Silver Creek church, who had often discoursed against missionary work of all kinds. He had become U. S. marshal for Indiana, and after a visit to the mission school, completely reversed his views, and wrote a circular letter urging aid to the mission, which was widely published in the West, and brought much needed aid.

The fame of the school also spread among the Indians, and came to Menominee, a Potawatomi who had set up as a religious leader, with a pretty fair religion of his own, but with no knowledge of Christianity. On McCoy's invitation he visited Fort Wayne, and decided to adopt McCoy's religion. He went back with a promise from McCoy to visit him. This was done in June, 1821; and McCoy was received with distinguished honor, and protestations of friendship from all the Potawatomis in the vicinity. This was of importance for a treaty with the Potawatomis was to be held at Chicago in August. McCoy decided to

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<sup>22</sup> Polke Memoirs, in *Ind. Mag. of Hist.*, 1914.

accept the invitation of these Indians to locate among them, if satisfactory arrangements could be made. He confided his plans to Senator Trimble, of Ohio, who visited the mission on his way to the treaty, and secured the warm cooperation of this representative of the Government. At the treaty the Potawatomis agreed to give a section of land for a school, and the Government agreed to pay \$1,000 a year, for fifteen



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years, for the support of a teacher and blacksmith. There was a moment of danger, when the interpreter represented that the Indians wanted a Catholic teacher, but one of the Indians understood English, and made a protest; and all of the Indians announced that they wanted McCoy. The school at Fort Wayne had grown to more than forty pupils, but in December, 1822, it was removed to the St. Josephs, near Niles, Michigan, and the Carey Mission was established. It remained until 1828, when McCoy followed the Indians to the West. They were in sore need

during the rest of the winter, owing to the failure of supplies to arrive, but after that the mission prospered, and there was no serious physical discomfort. In the course of his work, McCoy became satisfied that the only hope for the Indians lay in separating them from contact with the whites, and he evolved the idea of a separate Indian Territory west of the Mississippi, where they could live to themselves, until thoroughly civilized. He had gained the confidence of officials at Washington, who were persuaded of the soundness of his view. It found ready acceptance from politicians who wanted to get rid of the Indians east of the Mississippi. The only material objection came from Southern politicians who did not want the Indians colonized south of the Mason and Dixon's line. McCoy was put forward as the champion of the system, which finally resulted in the establishment of Indian Territory, and our present system of education and aid to the Indians. The Government did not do its full duty in suppressing outlaws and disreputable whites who furnished liquor to the Indians; but McCoy and his family followed the Indians and devoted themselves to their welfare. His pamphlet, "The Practicability of Indian Reform," published in 1829, was the argument on which the new system rested.

He realized, however, that the work, if successful, could not be left to governmental agencies alone. He advocated church action until, in 1842, he succeeded in organizing the American Indian Mission Association, and located at Louisville to take charge of its work. He continued in this until his death, on June 21, 1846. His tombstone in the old "Western Cemetery" at Louisville bears the merited inscription: "For nearly thirty years his entire time and energies were devoted to the civil and religious improvement of the aboriginal tribes of this country. He projected and founded the plan of their colonization, their only hope, and the imperishable monument of his wisdom and benevolence." His daughter Delilah, a native of Indiana, who had married Johnston Lykins, remained with him on the mission field. His niece, Eliza McCoy, entered the work, and became one of the most noted of Indian missionaries. She was also a native of Indiana. At her death she left a handsome fortune to the cause. In all of Indiana history there is no brighter record than that of this devoted family.

The treaties of 1818 gave opportunity for the location of a permanent capital, which was something that the State had been looking forward to for several years. As before mentioned, when the State was admitted Congress donated four sections for a capital, to be selected by the legislature from "such lands as may hereafter be acquired by the United States, from the Indian tribes within the said territory." By an act of January 11, 1820, ten commissioners were appointed to select the site.



RALSTON'S PLAT OF 1821



The commissioners were George Hunt, of Wayne County; John Conner of Fayette; Stephen Ludlow, of Dearborn; John Gilliland, of Switzerland; Joseph Bartholomew, of Clark; John Tipton, of Harrison; Jesse B. Durham, of Jackson; Frederick Rapp, of Posey; William Prince, of Gibson; and Thomas Emmerson, of Knox. With the exception of William Prince, the appointees accepted, and met at the house of William Conner, on White river, about four miles below Noblesville, where Conner had kept a trading station since 1802. Governor Jennings accompanied the party. After examining the land for thirty or forty miles along the river, they agreed on May 27 to locate at the mouth of Fall Creek, but as the survey of the township in which this lay was not completed, they adjourned for a week, and on June 7 made the selection by exact description. By act of January 6, 1821, the legislature ratified the selection, as everybody expected, and provided for three commissioners to lay out the town. It provided that they, "or a majority of them," should meet on the town site, on the first Monday in April, 1821, and lay out a town, "on such plan as they may conceive will be advantageous to the State and to the prosperity of said town, having specially in view the health, utility and beauty of the place." The commissioners chosen were James W. Jones, Samuel P. Booker and Christopher Harrison, but only Harrison appeared at the time and place designated. He, however, was equal to the emergency, and, holding himself a majority of those present and voting, he went ahead with the work, employing Alexander Ralston, a surveyor who had helped Major L'Enfant lay out Washington City, and Elias Pym Fordham, an Englishman from Birkbeck's Illinois colony, to make the survey. The design was Ralston's, and was a modification of the Washington plan, the plat covering a mile square, ten blocks in each direction, with diagonal streets running to each of the four corners; and Ralston asserted that "it would make a beautiful city, if it were ever built." Gen. John Carr, who had been appointed Agent for the sale of the town lots, also went on with the sale in October, and 314 lots were sold at a price of \$35,596.25, of which \$7,119.25 was paid in; but 161 of these lots were afterwards forfeited or released, as they did not attain the selling value anticipated by speculative purchasers. The survey and sale of lots were legalized by act of November 28, 1821.

The act for the appointment of the commissioners also gave the name Indianapolis to the new capital, and this point caused almost as much discussion as all the remainder of the bill. Gen. Marston G. Clark had proposed "Tecumseh," before the legislature met, and it had been advocated by some of the newspapers; but this and several other names were rejected by the House, and "Indianapolis" was adopted.

The controversy was a household story in Indiana, but nearly half a century passed before there was any known statement as to who suggested Indianapolis. Then Judge Jeremiah Sullivan, in answer to an inquiry from Governor Baker, stated that he originated it, and went to Corydon with the intention of proposing it; that he at first confided in Samuel Merrill, a fellow member of the House, who approved the name and went with him to Governor Jennings, who also approved; that he then moved the adoption of the name, and Merrill seconded the motion, which was adopted. Judge Sullivan's story was published in Holloway's History of Indianapolis, in 1870, and in Sulgrove's Indianapolis, in 1884, and was not questioned publicly until 1910. It was then announced that Mrs. John Ketcham, a daughter of Samuel Merrill, in some unpublished memoirs, stated that her father had always claimed to have originated the name, and that he reiterated the claim after she called his attention to Judge Sullivan's statement, but said to "let the matter drop." As all the parties concerned were of unquestionable integrity, there is manifestly a case of poor memory on the part of somebody. Aside from Judge Sullivan's published statement, there are two facts that would favor his claim. The first is that Mr. Merrill wrote what is known as Chamberlain's Gazetteer of Indiana, originally published in 1849, and in his account of the founding of Indianapolis, he says, "the name of Indianapolis was given to it," and nothing more. Second, while the discussion of the question was in committee of the whole, and therefore is not reported in the journal, it does record that on December 22, when the bill was reported out, "Mr. Merrill moved to amend the said bill by striking out the sixth section and inserting in lieu thereof the following: the said town shall be called and known by such name as the commissioners shall select." Section six of the act has no reference to the name, but on December 30 the senate struck out all of the bill after the enacting clause and inserted a substitute, which accounts for the transfer of the name to section 21.<sup>23</sup> As there was no action by the House, in the way of amendment, after Mr. Merrill's motion, which was lost, it is evident that Indianapolis was in the bill at that time.

The name "Indianapolis" excited as much hilarity in the State, at the time, as the other names had caused in the House. The Vincennes Centinel, on January 15, 1821, announced the new name thus: "Such a name, kind readers, you would never find by searching from Dan to Beersheba; nor in all the libraries, museums, and patent offices in the world. It is like nothing in heaven, nor on earth, nor in the waters

<sup>23</sup> H. J., p. 159; S. J., p. 155.

under the earth. It is not a name for man, woman or child; for empire, city, mountain or morass; for bird, beast, fish nor creeping thing; and nothing mortal or immortal could have thought of it, except the wise men of the East who were congregated at Corydon." A week later it had another editorial comment in similar vein, and a communication, which closed with the words: "Should you require the etymology of



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the word itself, I beg leave to refer you to the Pataphreazely (a new work and very rare) under the head 'Sil.' (This work serves as a Lexicon to the ancient Hindoo language!) and reversing the letters you have Silopanaidni which signifies 'A Head Without Brains.''' However, the public rather liked the name after they became accustomed to it; and it has not only had many imitations, but also has been appropriated bodily for towns in Texas, Colorado, Iowa and Oklahoma. This duplication of names caused so much miscarriage of mails that the postal authorities had all of them changed except the Oklahoma town.

Being designated as the capital, and being the capital were two different things. Oliver H. Smith, who made his debut in political life as a representative in the legislature of 1822-3, says that among the few measures in which he took an active interest, was "the act giving a representation to 'the new purchase,' to strengthen the middle and northern parts of the State, in passing a law for the removal of the seat of government from Corydon to Indianapolis. This latter act was warmly contested, debated weeks and finally passed by a very close vote. The first constitution provided that 'Corydon, in Harrison County, shall be the seat of government of the State of Indiana, until the year eighteen hundred and twenty-five, and until removed by law.' It further provided, 'the General Assembly may, within two years after their first meeting, and shall in the year eighteen hundred and twenty-five, and every other subsequent term of five years, cause an enumeration to be made, of all the white male inhabitants above the age of twenty-one years; the number of Representatives shall at the several periods of making such enumeration be fixed by the General Assembly, and apportioned among the several counties.' The question was whether it was competent for the Legislature to take the census and make the apportionment at any intermediate time, or whether it could only be done at the expiration of every five years. We carried the bill in favor of the first construction, and the seat of government was removed years sooner than it would otherwise have been."<sup>24</sup> This is not quite exact. The new counties that had been formed since the last constitutional apportionment had no representation. The people of Marion County met at Crumbaugh's tavern, on September 26, 1822, and petitioned for representation. The people of the New Purchase were in close political touch with "the Whitewater," from which many of them came, and which Mr. Smith represented. What the General Assembly of 1822-3 did was to give representation to the new counties, to the extent of three representatives and two senators,<sup>25</sup> which was enough to give a majority at the next session. There is no record of any census or enumeration being ordered in any intermediate year; but the Auditor of State had in his office a report of the taxable polls in each county and furnished the information to the legislature when it was wanted. Such a report was made in 1824, although there is no official record of it.<sup>26</sup> The polls that year were 34,061, and at the regular enumeration, which was reported by the Secretary of State in 1825, the polls were

<sup>24</sup> Early Indiana Trials, p. 76.

<sup>25</sup> Acts, p. 110.

<sup>26</sup> Isaac Reed's Christian Traveller, p. 194.

36,977. The population in these years was estimated at five times the number of polls, which was probably very close to the fact.

The removal act was approved January 20, 1824, a year later. It provided that Indianapolis should be "the permanent seat of government of this state upon, from, and after the second Monday in January (January 10) in the year one thousand eight hundred and twenty-five," provided for the removal, and required all state officials to be established there at that time. What especially grieved the Corydon people was a provision in the bill that the next legislative session should begin on the second Monday in January, 1825, instead of the "first Monday in December" 1824, as provided by the constitution, "unless directed by law," and which would have kept the capital at Corydon for a year longer. The bill passed the House after a vigorous fight. It was amended in the Senate, and then passed that body by one vote. It came back to the House, and on January 7, "Uncle Dennis" Pennington moved to amend by substituting "~~December~~" for "January," but the previous question was demanded, and the amended bill was passed by a vote of 25 to 17. On January 23 Pennington introduced a bill to suspend the operation of the act until 1826, but this was laid on the table. On the 27th Pennington and John Zenor, his colleague from Harrison County, filed a protest, denouncing the law as in violation of the constitution, which last sad rite the majority respectfully attended. On February 20, the Marion County people gave a supper to their Senator, James Gregory, and Representative, James Paxton, at which numerous toasts were drunk, and "great harmony and good feeling prevailed during the festivities of the evening."

The actual work of removal was entrusted to Samuel Merrill, who was then Treasurer of State, as a result of a falling out of the party in power. At some time prior to 1827, Senator Noble and Governor Jennings had a disagreement that put them out of speaking relations for several years,<sup>27</sup> but whether this early is not known. There had been trouble, however, between Senator Noble and Daniel C. Lane over the recovery of the \$25,000 of state bonds, which the Vincennes Bank had turned over to the United States. The settlement of the State's debt to the Bank was made in bills of the Bank, which had been taken for taxes, as provided by law, but which had gone to a discount. Through a misunderstanding as to the amount due, Noble had settled for more than Lane had provided, and Lane insisted that he was liable only for the bills of the Bank in his hands, which were sufficient to cover the difference. At the session of 1822-3 all of the State officers came up for

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<sup>27</sup> Smith's *Early Indiana Trials*, p. 88.

reelection before the legislature, and Noble's adherents made war on Lane. In the House a committee was appointed to examine his accounts, with Mr. Beekes as chairman, which reported on December 13, that when the bond adjustment was made there was in the Treasurer's hands \$540.37 "which sum might have been paid to the honorable James Noble on said bonds." Lane had that amount in Bank bills, but it was too late



SAMUEL MERRILL

to use them, as the settlement with the Bank and the Government had been made. The Noble party had brought out Samuel Merrill against Lane. Merrill was a Vermonter, of good education, who had taught school in Vermont and Pennsylvania, read law at York, Pennsylvania, and located at Vevay to practice. He was elected Representative for Switzerland County in 1821. Notwithstanding the committee report, the friends of Lane were standing by him, but that night he brought on his own downfall, which is related by Oliver H. Smith as follows: "The day for the election was not fixed. I was among the warm friends of

Mr. Merrill. Our prospects for his election were very poor—chances as ten to one against us. Mr. Lane, as was his custom, began his course of entertainments, and, as his house was small, he only invited to his first dinner the senators and the Speaker of the House of Representatives, General Washington Johnston,—intending, no doubt, to feast the members of the House on some other evening before the election. Next morning the House met, and a few of us understanding each other passed around among the uninitiated, and soon had them in a perfect state of excitement against Lane. The time had now come, and I introduced a resolution inviting the Senate to go into the election instantan. The resolution was reciprocated, and down came the Senate. The joint convention was immediately held, and Mr. Merrill was elected by a large majority, the Senators voting for Mr. Lane and the members of the House for Mr. Merrill, who made the State a first rate officer.”<sup>28</sup> The vote was 32 for Merrill and 25 for Lane, and the real reason for the fight on Lane was set out in a letter from Dr. J. B. Slaughter, Senator for Harrison and Crawford, in a letter to the *Corydon Gazette*, on April 23, 1823, in which he gives the correspondence between Lane, Noble and Jennings. When Lane went out of office, he left the \$540.37 in Vincennes Bank bills for his successor.<sup>29</sup>

Mr. Merrill was not only a good Treasurer, but also an exceptionally good man to move a capital. He made a two weeks trip to Indianapolis to get acquainted with his landing place; sold off such furniture as could not advantageously be moved; packed the books and records carefully in boxes; and started, along with the State Printer, for Indianapolis. He says: “The journey of about one hundred and sixty miles occupied two weeks. The best day’s travel was eleven miles. One day the wagons accomplished but two miles, passages through the woods having to be cut on account of the impassable character of the road. Four four-horse wagons and one or two saddle-horses formed the means of conveyance for the two families, consisting of about a dozen persons, and for a printing press and the state treasury of silver in strong wooden boxes. The gentlemen slept in the wagons or on the ground to protect the silver, the families found shelter at night in log cabins which stood along the road at rare though not inconvenient intervals. The country people were, many of them, as rude as their dwellings, which usually consisted of but one room, serving for all the purposes of domestic life,—cooking, eating, sleeping, spinning and weaving, and the entertainment of company.” Col. Merrill’s daughter, Mrs. Ketcham, records her infant memory that when this train approached a settlement, “the ambitious

<sup>28</sup> Early Indiana Trials, p. 77.

<sup>29</sup> House Journal, 1822-3, p. 143.  
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teamster" used to put all his bells on his horses, to give the populace a fitting impression of this State progress. At Indianapolis the Clerk of the Supreme Court and the Secretary of State were lodged in small rooms on the second floor of the new Marion County court house, and the other State offices were kept in rented quarters, until the State put up buildings. The legislature of 1825 appropriated \$1,000 "to build on lot number one in square number sixty-eight in Indianapolis, a substantial brick house for the residence of the treasurer of state, to contain the offices of the treasurer and auditor, and a fire proof vault for the better security of the funds and records of the state." This first distinctively State building of Indiana stood on the southwest corner of Washington street and Capitol avenue. It was a two story building with the offices on the west side and Auditors office upstairs, and the Treasurer's residence on the east side, with a one-story dining room and kitchen back of the main building. It was occupied by the Treasurer until 1857, and was torn down in 1865, to be replaced by a more pretentious brick building, which was occupied by the Supreme Court, and all the State offices except the Governor and State Librarian, until 1877.

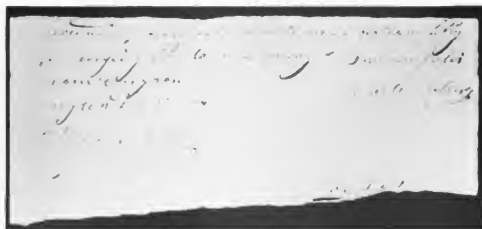
From the point of view of the present, the most remarkable thing about this removal was the expense, of which Mr. Merrill was directed to keep a careful account. His bill, to the next legislature was as follows:

"To Messrs. Posey and Wilson for boxes.....	\$ 7.56
To Mr. Lefler for one box .....	.50
To Seybert & Likens for transportations of 3,945 lbs.	
at \$1.90 per hundred.....	74.95
To Jacob & Samuel Kenoyer for transportation of	
one load .....	35.06
	<hr/>
	\$118.07
Deduct for proceeds of sale of furniture at Corydon,	
November 22nd, 1824.....	52.52
	<hr/>
	\$65.55"

For some mysterious reason there was a cut of five dollars from this by the specific appropriation bill of February 12, 1825, which allowed to Samuel Merrill "sixty dollars and fifty-five cents for cash advanced by him for expenses incurred in removing the property of the state from Corydon to Indianapolis." However, this did not include the cost of removing the State Library, for which there was a separate bill for \$9.50; and to the eternal credit of the State, the legislature



allowed Col. Merrill "also one hundred dollars for his personal trouble and expenditure in packing and moving the property of the state." The thing that made the lasting impression on Col. Merrill was the bad roads, although Indiana roads were supposed to be at their best in November, when this trip was made. The legislature of 1825 had appropriated \$55,624.94 for making state roads to the new capital, from ten different points, and these roads consisted of openings, forty-eight feet wide, cut through the forests that covered the southern and central parts of Indiana. Trees eighteen inches or more in diameter were cut twelve inches above the ground, and smaller ones were cut even with the ground. This



#### COST OF MOVING STATE LIBRARY

made a road; and the more it was traveled, especially in wet weather, the worse it became. Col. Merrill's favorite story in later years was about an Ohio man who traveled through Indiana. When he got home he was asked "whether he had been pretty much through the state. He said he could not tell with certainty, but he thought he had been pretty nearly through, in some places." The cause of the bad roads was that they were usually mere passages over the natural surface, which in the wooded, and then inhabited part of the State, was composed of decayed vegetable matter, very porous, overlying clay soil. The surface of the State is quite level; there was only natural drainage; and the rain fall was greater than at present. Consequently loaded wagons made mud holes, and mud holes were of a rather permanent character.

The same conditions affected the health of the State, there being a great deal of malarial disease. While other transportation was difficult the facilities for the transportation of germs was unsurpassed. The

pools and swamps afforded unlimited breeding ground for mosquitoes, and if one may judge from the universal complaints of travelers, the mosquitoes were much more numerous than the leaves of the forest. Says Col. Merrill: "The years 1820, 1821, and 1822, were attended with more general and fatal sickness than has ever been experienced, either before or since, in the west. Palestine, on the East Fork of White river, then the seat of justice of Lawrence county, was nearly depopulated; Vevay, Jeffersonville, Vincennes, and many other towns, lost nearly one-eighth of their inhabitants the first year and probably one-fourth in the three years; and during that time, in most neighborhoods, there were but few persons who escaped without one or more severe attacks of fever. The prevailing diseases were bilious and intermitting fevers, the former, in many cases, differing very little from the yellow fever of New Orleans."<sup>30</sup> At the new settlement of Indianapolis the year 1821 was worst, there being only three persons in the settlement who were not prostrated. Ignatius Brown says: "Though so general, the disease was not deadly, about twenty-five cases only, mostly children who had been too much exposed, dying out of several hundred cases."<sup>31</sup> The affliction was so prevalent that in December the legislature adopted a resolution: "That the second Friday in April next be observed as a day of public supplication and prayer to Almighty God, that he may avert the just judgments impending our land; and that in his manifold mercies he will bless the country with fruitful seasons, and our citizens with health and peace. Resolved also, that the Governor be requested to issue his proclamation requiring the citizens to abstain from all servile labor on said day; and soliciting religious societies of every denomination to keep and observe the same as a day of humiliation, fasting and prayer." Good Friday was perhaps chosen to get the Catholic influence. Governor Jennings duly issued his proclamation March 12, 1822, and the day was generally observed.

There were numerous discussions of the disease in the newspapers, the general opinion being that it was due to "miasmatic exhalations" in the atmosphere.<sup>32</sup> At Vincennes opinions were advanced that the exhalations were the result of throwing garbage and refuse into the streets; to a lack of shade trees; and to decaying "water grasses" in the river. Some thought the "pond" adjoining the town was the cause, but it was pointed out that the people who lived nearest the pond were the least affected. On one point there was universal agreement, and that was that the situation was deplorable; and at Vincennes the com-

<sup>30</sup> Chamberlain's Gazetteer, p. 119.

<sup>31</sup> Hist. of Indianapolis, p. 5.

<sup>32</sup> Vincennes Sun, March 16, 23, April 6, 1822; Centinel, May 6, 13, 1820.

bination of sickness, hard times, burning of the steam mill, removal of the capital, and failure of the Bank, caused the Sun to say: "A few years past Vincennes was the very emblem of prosperity; every wind wafted her some good. Our houses were filled with inhabitants, our streets were crowded with citizens, the noisy hum of business resounded in our ears. All was life and activity. How sadly is the picture re-



GOV. RATLIFF BOON

(From portrait by Jacob Cox.)

versed. More than one-third of our dwelling houses are destitute of inhabitants, our population has decreased nearly or quite one-half, our real property has suffered a greater diminution. Buildings that a few years ago rented for \$200 to \$300 per annum now rent for \$50 to \$100. An universal despondency prevails."<sup>23</sup>

There was little change in the political control of Indiana during

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<sup>23</sup> Western Sun, February 16, 1822.

the first dozen years of the State's existence, except in an exchange of offices among the leaders. National politics caused no division until 1824, and did not control State elections until 1840. Governor Jennings was reelected, and served six years—all that the constitution allowed—except that, having been elected to congress at the August election in 1822, he resigned on August 12, and the remainder of his term, until December 5, was filled by Lieutenant Governor Ratliff Boon. Boon was born in Georgia, January 18, 1781, and settled in Warriek County, Indiana, in 1809. He was the first treasurer of that county, and represented it in the House and in the Senate until 1819, when he was elected Lieutenant Governor. He was reelected to that office in 1822, and resigned in 1824 to go to Congress. He was defeated for reelection to Congress at the next two elections, but was returned in 1829, 1831, 1833, 1835, and 1837. At the close of his congressional service, in 1839, he removed to Missouri, where distinguished himself by leading the revolt against Thomas H. Benton, in 1844. He died November 20, of that year. Jennings was reelected to Congress in 1824, 1826, and 1828. In 1830, having become addicted to intoxicating liquor, he was defeated by General John Carr. His last public service was as commissioner to treat with the Potawatomis, in 1832, at the Forks of the Wabash. He died at his farm, near Charlestown, July 26, 1834.

At the election of 1822, William Hendricks was chosen Governor by an unanimous vote, there being no opponent in the field.<sup>34</sup> On February 12, 1825, he resigned this office, having been elected U. S. Senator. He was reelected Senator in 1831; and at the close of his term retired to private life. He was a warm friend of education, and showed especial interest in Hanover College and the State University, until his death, on May 16, 1850. When Governor Hendricks resigned in 1825, Lieutenant Governor Boon having resigned in 1824, James Brown Ray, President *pro tempore* of the Senate, succeeded as Governor. He was elected Governor in August, 1825, defeating Judge Isaac Blackford by 2,622 majority. He was reelected in 1828, receiving 15,141 votes, to 12,315 for Dr. Israel T. Canby, and 10,904 for Harbin H. Moore. Senator James Noble was continued in the Senate until his death, on February 26, 1831. In brief, the State remained in control of the men who were in control in 1816, and those in political alliance with them. The nearest approach to a slip in the movement of the machine was in 1818. In that year Governor Jennings was a commis-

<sup>34</sup> There is no authentic portrait of William Hendricks in existence. Formerly there was what purported to be one in the State Library, but Gov. Thos. A. Hendricks, his nephew, caused it to be removed, because it was not a real portrait.

sioner, with Gen. Cass and Judge Parke, in making the New Purchase treaties. On October 3, he wrote to Lieutenant Governor Christopher Harrison that his duties would detain him for a time, and requested him to attend to the duties of the Executive office. Harrison was a somewhat eccentric character. He was of one of the old aristocratic families of Maryland, born at Cambridge, on the Eastern Shore. He was well educated, being a graduate of St. John's College, Annapolis, and entered business life as confidential clerk of William Patterson, one of the leading merchants of Baltimore, and president of the Bank of Baltimore. Living in his family, Harrison acted as tutor to his daughter Elizabeth, a very beautiful and talented girl. The common Indiana tradition is that the two fell in love, and that the match was opposed by Mr. Patterson, who had more ambitious views; and that in consequence Harrison became a hermit in Indiana. Harrison's relatives, however, held that it was another fair one who broke his heart,<sup>55</sup> and the movements of Harrison seem to confirm this view. The date of his coming to Indiana is not certainly known, but it is probably indicated by the words "Christopher Harrison, July 8, 1808," which were carved on a beech tree that stood near his cabin, on a bluff overlooking the Ohio River, near Hanover. Miss Patterson was married to Lieutenant Jerome Bonaparte, younger brother of Napoleon, on December 24, 1803, and remained in America until the spring of 1805, when she and her husband started for France. They found all the ports there closed to them, by order of Napoleon, who refused to recognize the marriage. Madame Bonaparte took up her abode in England, where her son Jerome was born on July 7. Meanwhile her husband was trying to appease Napoleon, but without success. After unsuccessful efforts to have Pope Pius VII annul the marriage, Napoleon issued a decree declaring it null and void; and on August 12, 1807, Jerome was married to Princess Catherine Sophia, of Wurtemberg; and on January 1, 1808, crowned King of Westphalia. It is hardly credible that a man of Harrison's impulsive character would have remained on the scene of his blighted hopes for five years, and then become a hermit.

However that may have been, Harrison lived in his cabin on the Ohio, with no companion but his dog, amusing himself by hunting, fishing, and painting—he had some artistic ability—until 1815; and then he sold his hermitage, and engaged in the dry goods business at Salem, Indiana, in partnership with Jonathan Lyons. His election as Lieutenant Governor does not appear to have been sought by him, but after he began acting as Governor he thought he was entitled to con-

<sup>55</sup> Woollen's Sketches, p. 161.

tinue in the same capacity. When Jennings returned, Harrison declined to surrender the office. On demand from Jennings he gave up the room used as the Governor's office, but he took the State seal with him, and opened a Governor's office of his own. Until the legislature met, Indiana had more Governors than at any other period in her history. On December 10, 1818, Senator Ratliff Boon came to the House of Representatives, and announced that he and Senator DePauw had been appointed by the Senate to wait on "the Lieutenant Governor, and late acting Governor," and inform him that the General Assembly was ready to receive any communication he might desire to make; and requested a similar committee from the House. The request was granted, and the joint committee reported that they had performed their mission, and that Mr. Harrison had replied, "That, as Lieutenant Governor he had no communication to make to the Senate or House of Representatives, but as Lieutenant and Acting Governor, if recognized as such, he had." The House then appointed an investigating committee, with General Milroy as chairman, which, on December 12, reported its opinion that Governor Jennings had accepted an appointment under the government of the United States, and had made a treaty with the Indians under that appointment. It was a very pretty question. The constitution provided: "No member of Congress, or person holding any office under the United States, or this State, shall exercise the office of Governor, or Lieutenant Governor." But was the position of treaty commissioner an "office"? Technically it was, but it is not probable that the makers of the constitution had any temporary service of that character in mind when they adopted the provision, as it did not fall within the reason of the prohibition. Further, Harrison was proceeding on the theory that such service vacated the office of Governor: whereas the provision of the constitution was: "In case of impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the Lieutenant Governor shall exercise all the powers and authority appertaining to the office of Governor, until another be duly qualified, or the Governor absent, or impeached, shall return, or be acquitted." This seems to mean that the office could be vacated only by death, voluntary withdrawal, or impeachment. Would it be safe to impeach Jonathan Jennings for making the most important and most popular Indian treaty that Indiana ever had?

The indications are that the House had started in for impeachment, for Milroy, the chairman of the committee, was against Jennings throughout, and the House gave him all the powers he asked as to compelling testimony. But the committee struck a snag. Col. Merrill

says that Jennings "was much mortified when he learned that his conduct had been called in question. He threw his commission into the fire, and left it to his enemies, as he called them, to sustain their charges.<sup>36</sup> If so, it was a fortunate bit of mortification; for the commission could not be proven. Jennings declined to appear before the committee, except by counsel—Judge Charles Dewey representing him. In reply to Milroy's call for documents, he replied by letter: "If I were in possession of any public documents calculated to advance the public interest, it would give me pleasure to furnish them, and I shall at all times be prepared to afford you any information which the constitution or laws of the State may require." He also casually added: "If the difficulty, real or supposed, has grown out of the circumstances of my having been connected with the negotiation at St. Mary's, I feel it my duty to state to the committee that I acted from an entire conviction of its propriety and an anxious desire, on my part, to promote the welfare and accomplish the wishes of the whole people of the State in assisting to add a large and fertile tract of country to that which we already possess." Milroy summoned everybody that could know about it, but they were all hopeless. Some had seen something that looked like a commission, but they could not swear to it. Others had heard what sounded like a commission read at the treaty council, but they had not seen it, and did not know whether it bore the seal of the United States. By December 16, the friends of the Governor felt it safe to force an issue, on a resolution that "it is inexpedient to further prosecute the inquiry into the existing difficulties in the executive department of the State." This was adopted by the narrow margin of 15 to 13, and was a clear victory for "Whitewater." Wayne, Franklin, Dearborn, Orange, Harrison, Perry and Jefferson Counties voted solid for Jennings; and Switzerland, Clark, Washington, Jackson, Gibson and Knox voted solidly against him, except that Warner, of Knox, who had been seated over General W. Johnston, in a contest, voted with the Jennings party.

Harrison promptly sent in his resignation, stating: "As the officers of the executive department of government and the General Assembly have refused to recognize and acknowledge that authority which, according to my understanding, is constitutionally attached to the office, the name itself, in my estimation, is not worth retaining." On the reading of this, the House adopted the following: "Resolved, That the House of Representatives view the conduct and deportment of Lieutenant Governor Christopher Harrison as both dignified and cor-

<sup>36</sup> Chamberlain's Gazetteer, p. 117.

rect during the late investigation of the differences existing in the executive department of this State." Nothing could be more characteristic of the Jennings policy of conciliation. The singular thing is that nobody called attention to the fact that all this time Harrison had been acting as agent for the three per cent fund, which was as much a violation of the provision of the constitution quoted above as was the acting of Jennings as treaty commissioner; and it was also a violation of the provision that, "No persons shall hold more than one lucrative office at one time." But Harrison did not want to be placated. At the election of 1816 his majority had been far and away greater than that of any other candidate; and so he carried his fight to the people in the election of 1819, as a candidate for Governor against Jennings, with the very unsatisfactory result of being defeated by a vote of 9,168 to 2,088. The Jennings party did not cherish malice, however; and Harrison was not only allowed to remain as agent of the three per cent fund, but also, as mentioned, was made a commissioner to plat the capital in 1821, and was put on the commission to build the Ohio Falls canal in 1824. Harrison remained in Indiana until 1834, when he returned to Maryland. He died there in 1863. He was a notably lovable man, especially with children, and had troops of juvenile friends wherever he went.

The State seal, which came into such prominence in the Jennings-Harrison controversy, was provided for in the constitution in these words: "There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called, the seal of the State of Indiana." This seal has been the subject of much jest, and of many surmises as to its significance. In 1895, Mr. R. S. Hatcher, clerk of the Senate, who took an interest in historical matters, had himself appointed a special commissioner to investigate whether the State "has any legalized, authorized great seal." He found that by act of December 13, 1816, the Governor was authorized to procure a seal and a press, and \$100 was appropriated for this purpose. In the consideration of this act in the House on November 22, Davis Floyd moved to amend by striking out the description following the word "device," and inserting: "A forest and a woodman felling a tree, a buffalo leaving the forest and fleeing through the plain to a distant forest, and the sun setting in the west, with the word Indiana."<sup>27</sup> But this was not the origin of this design, for it had been used all through the Territorial period, the earliest preserved specimen of its use, so far as is known,

<sup>27</sup> This was adopted by the House, but on disagreement of the Senate the description was omitted altogether.



being on the petition of the Vincennes convention of 1802.<sup>38</sup> The interpretation of the design, above quoted is merely an illustration of the utter perversity of the people of Indiana in the interpretation of works of art. It is not a "setting sun," but a sun rising on a new commonwealth, west of the mountains, by which, at that time, was always meant the Allegheny Mountains. The woodman represented civilization subduing the wilderness; and the buffalo, which in the original was headed away from the sun, with tail down, going west, and not east, represented the primitive life retiring in that direction before the advance of civilization. There is no known record of any adoption of the



STATE SEAL

Territorial seal, and perhaps there was no occasion for any. The creation of the Territory by Congress, and conferring executive power on the Governor, would imply the use of a seal; and presumably Governor Harrison had one made, and brought it out with him when he came to begin his official duties, in January, 1801.

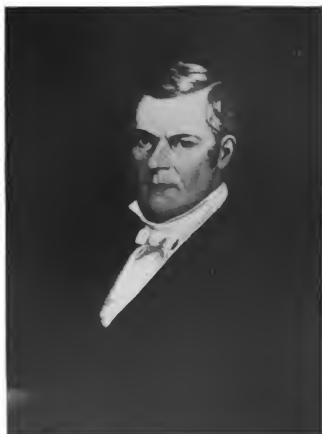
James Brown Ray, who succeeded Governor William Hendricks on his resignation, and was twice afterwards elected Governor, was one of the most eccentric men that ever held that position. He was born in Kentucky, February 19, 1794, and when hardly grown went to Cincinnati, and read law with Gen. Gano. In 1819 he removed to Brookville, and soon became a political factor. He was a popular speaker, although his style was pompous and not always lucid. He was very egotistical, dressy, and fond of the spectacular. Some people regarded him as insane, especially in his later years, but the chief grounds of the belief were matters of foresight on his part in which

<sup>38</sup> Ind. Hist. Soc. Pubs., Vol. 2, p. 468.

his contemporaries did not share. He was one of the early advocates of railroads, and pointed out their advantages over canals in his message to the legislature in 1827. He prophesied that Indianapolis would some day be a great railroad center, with lines running in every direction like the spokes of a wheel, which was the subject of ridicule by the people who considered themselves sane at the time. Another of his hobbies was the Michigan Road, and he succeeded in having himself made one of the Commissioners for the Potawatomi treaty of 1826 to get a donation for that work. Warned, however, by the troubles of Governor Jennings on account of similar service while governor, he requested that no commission be issued to him, and served on a simple letter of request. A resolution that he had forfeited his office was introduced in the House of Representatives at the next session, and a committee was appointed to notify him to appear and defend himself. He replied with a letter stating, in a very circuitous way, that he did not desire to appear, and adding: "If I have erred in the manner intimated in a resolution sent me, I have erred with the fathers of the republic, the first patriots of the age, and in attempting to do good and advance the highest interests of our beloved country. As custom, precedent and example passed in review before me, I could not be insensible of their force, and have been made to feel as if I had done my duty to my conscience and the State." After a prolonged debate, the House defeated the resolution by a vote of 30 to 28, and so the matter rested for the time being.

The incident was not closed as to the public, however, for Ray had a remarkable faculty for getting into rows with those with whom he came in contact; and among others, he stirred up a controversy with Samuel Merrill, who forthwith assailed him in a twenty-four page pamphlet, in which he made the following remarks about the Potawatomi treaty: "The truth is, that his conduct at the Treaty was neither honorable to himself nor beneficial to the cause in which he was engaged. Such is the general statement made by almost everyone in any way acquainted with the facts. Some of the particulars are too odious to be repeated. The Treaty was once nearly broken off by his imprudence, much delay was occasioned by him, and it was not thought expedient to entrust him with a knowledge of the proceedings as they took place. The Potawatomi Treaty was agreed on several days before the fact was communicated to him. In short it required all the knowledge of Indian character which is so eminently possessed by Gov. Cass and Gen. Tipton to prevent the indiscretion of the other Commissioner from being fatal to the Treaty. For those services thus performed, I have been assured that Gov. Ray charged and received from the United States at

the rate of eight dollars per day for double the time he was actually employed. All of the same time he charged and received his pay as Governor."<sup>30</sup> Governor Ray passed this assault "with silent contempt," which was so contrary to his custom that it may be inferred that Merrill's statements were very well fortified. Ray contented himself with a statement in his next message to the legislature of the great importance



GOV. JAMES B. RAY  
(From portrait by Jacob Cox)

of the grant from the Indians, which was of a strip 100 feet wide through their lands, with a contiguous section of land for every mile of road. South of the Wabash, the State was to have a section of unsold land for each mile of road. This treaty was confirmed by the United States on February 7, 1827; and the gift to the State by act of March 2, 1827. John I. Neely, Chester Elliott and John McDonald were ap-

<sup>30</sup> Lawrenceburgh Palladium, Sept. 1, 1827; see also July 28.

pointed commissioners in 1828 to select the route from Lake Michigan to Indianapolis. They selected the mouth of Trail Creek—the site of Michigan City—for the northern terminus, and made two surveys, one on a direct line through the Kankakee swamps, and the other on comparatively dry land, by way of South Bend and Logansport. After a large amount of squabbling, the route was finally adopted by the legislature in January, 1830, by way of South Bend, Logansport, Indianapolis, and Greensburg to Madison, and the entire line was put under contract by June 30, 1831. The road was cleared of timber for the full 100 feet in width, and thirty feet was grubbed and graded. It did not make an Appian Way, and it was constantly getting out of repair, but it was a vast improvement, and was a great thoroughfare for settlers and travelers. In 1837 it was put under special guardianship of the counties through which it passed; and in 1841-2 it was put under the general road laws of the State.

The canal around the falls of the Ohio was the beginning of internal improvements in Indiana, the Indiana Canal Company, chartered to construct it by act of August 24, 1805, being the first corporation incorporated by the Territorial legislature of Indiana. It is not certain, however, whether this was a genuine business enterprise or merely a blind for the movements of Aaron Burr. On his celebrated trip to the west, he arrived on May 11, 1805, at Cincinnati, where he was the guest of Senator John Smith, and where he met Gen. Jonathan Dayton, an old Revolutionary friend, and late U. S. Senator from New Jersey, who was later indicted for complicity in Burr's conspiracy. It is recorded that Smith and Dayton "were represented as busy with a scheme to dig a canal around the falls of the Ohio."<sup>40</sup> Burr was at the falls a few days later, and then went south, returning to Indiana in September, and on the 23d of that month arriving at Vincennes, where he presented letters of introduction to Gen. Harrison. Meanwhile The Indiana Canal Company had been chartered, with George Rogers Clark, John Brown, Jonathan Dayton, Aaron Burr, Benjamin Hovey, Davis Floyd, Josiah Stephens, William Croghan, John Gwathmey, John Harrison, Marston G. Clark, and Samuel C. Vance as directors. It was a very liberal charter, giving the corporation power to increase its capital stock at pleasure; and fixing tolls at \$2 for a "keel boat, perogue or canoe not more than 35 feet long," and up to \$5 for a craft 60 feet long, after which there was an additional charge per foot of length. The capital stock was 20,000 shares of \$50 each. The company started off with a boom. Josiah Espy, who was at the falls on Oct. 2, 1805, says

<sup>40</sup> McCaleb's Aaron Burr's Conspiracy, p. 26.

of the canal: "At the late session of the legislature of Indiana a company was incorporated for this purpose on the most liberal scale. Books were opened for subscription while I was there, which were filling rapidly. Shares to the amount of \$120,000 were already subscribed by men of the first standing in the Union. When the canal is finished the company intends erecting all kinds of water works, for which they say the place is highly calculated. From these it is expected that more wealth will flow into the coffers of the company than from the passage of vessels up and down the river. If these expectations should be realized, there remains but little doubt the falls of the Ohio will become the centre of wealth in the Western World."<sup>41</sup> The active promoters of the project were Josiah Stephens and Gen. Benjamin Hovey; and the latter wrote, at the time: "When I first visited the rapids of the Ohio, it was my object to have opened a canal on the side of Louisville, but on examination I discovered such advantages on the opposite side that I at once decided in favor of it." His chief specification of advantage was two deep ravines, "one above the rapids, and the other below the steepest fall."<sup>42</sup>

Whatever may have been the connection, this canal project went to pieces with the collapse of the Burr expedition, and nothing further was done until the admission of the State. There was a persistent demand from everybody that used the river for a canal; and there was a continuing rivalry between the two sides of the river as to which should have it. Indiana started first, in 1816, by incorporating another company with a capital stock of \$1,000,000 to build the canal. It was composed chiefly of local people, and did not succeed in raising the necessary capital. Governor Jennings was a strong advocate of the enterprise, and at his recommendation, another, and still more liberal charter was granted in 1818. It allowed the company to fix its own tolls, to receive government subscriptions, and to raise \$100,000 by a lottery, but of the lottery proceeds one-half was to purchase stock for the State. The chief promoters were Bigelow and Beach, as had been the case in the 1816 company, but the management was more diversified, Madison being represented on the board of directors by John Paul, Lawrenceburg by Stephen Ludlow, and Cincinnati by Jacob Burnet. Work was begun in 1819, the contract being let to Michael I. Meyers. The line was two and a half miles long, over the same course that had attracted Hovey. It began at the mouth of the ravine through which Cane Run flows before entering the Ohio, above Jeffersonville, followed the two ravines in the back part of Jeffersonville to the eddy below

<sup>41</sup> Ohio Valley Hist. Ser., Misc., Vol. 1, No. 7.

<sup>42</sup> Hist. Ohio Falls Cities, Vol. 1, p. 47.

the rapids. The scheme of excavation was ingenious. Cane Run was dammed, and enough excavation was made to start it through the ravines, in expectation that it would wash all of the earth and loose material out of the channel. Maurice Thompson says that someone cut the dam, and so stopped the work; and suggests that Louisville rivalry was responsible for it. There were people in the vicinity who would do such a thing. On January 23, 1833, an attempt was made to blow up the locks in the Louisville canal. The hostile spirit in 1819 is shown in Dr. McMurtrie's *Sketches of Louisville*, published in that year, in which he represents the Indiana project in a very unfavorable light.

There were others, however, who took a very hopeful view of it. Edmund Dana wrote of it, in 1819: "In May, 1819, a survey and location having previously been made, the excavation was commenced, and continues to be prosecuted with spirit, and the fairest prospects of success. The extent of this canal will be  $2\frac{3}{4}$  miles; the average depth 45 feet; width at top 100, and at bottom 50 feet. Except one-fourth of a mile at the upper end, there is a bed of rock to be cut through, 10 or 12 feet deep. The charter, which expires in 1899, requires that the canal should be completed before the end of the year 1824. The perpendicular height in the whole extent of falls being about 23 feet, the canal is expected to furnish excellent mill seats, and a water power sufficient to drive machinery for very extensive manufacturing establishments. In navigating the Ohio, the saving of time, expense, and waste of property, by means of a canal, to a great extent, above the falls, is incalculable. It has been estimated that Cincinnati alone, for several years past, has paid an extraordinary expense for transporting goods around the falls exceeding \$50,000. The several states bordering on the river above, are each interested in the success of this great undertaking, and it is presumed they will liberally contribute their aid to perfect it. The territory and population to be benefited by this work is so extensive, strong hopes have been entertained that some adequate provision will be made by the general government. Capital cannot, perhaps, at the present day, be vested in any public funds that will yield a more productive regular income than in this establishment."<sup>43</sup> Unfortunately for the Indiana enterprise, a joint commission appointed by the states of Pennsylvania, Ohio, Virginia and Kentucky in 1819 decided that the Louisville side was the more advantageous,<sup>44</sup> and that ended the hope of outside assistance. In 1824 William Hendricks and Christopher Harrison were appointed by the State to finish the canal; but before they accomplished anything, Kentucky incorporated a company,

<sup>43</sup> *Sketches*, in *Ind. Hist. Coll. Indiana as Seen by Early Travelers*, p. 207.

<sup>44</sup> *Niles Register*, Dec. 25, 1819.

in 1825, which was backed by Philadelphia capital, and the United States government came to its assistance, which ended the Indiana canal.

The first government subscription to the Louisville and Portland Canal was for a thousand shares of stock, May 13, 1826. On March 2, 1829, subscription for not over 1,350 shares additional was authorized, and 1,335 were taken. The work was pushed with reasonable rapidity, though the Indiana papers charged that it was being held back for the profit of Louisville merchants, and made facetious comments on the force of workmen employed. On April 28, 1826, the New Albany Recorder said that the Louisville canal work had been flooded for thirteen days from March 10, and asserted that the contractor's agent had come over to New Albany and bought three dozen eggs and half a pound of butter, to provision the force during the stop.<sup>45</sup> The canal was not completed until 1831, though the first boat went through it on December 21, 1829. It cost \$750,000 instead of \$400,000 as estimated by the joint commission, but it was very profitable from the start. By 1842 the United States had received returns of \$257,778 on its original investment of \$233,500, and had converted interest and profits into 567 shares additional. In 1872 it had acquired all but five of the shares, and took over the control of the canal, reducing the tolls, of which there had been much complaint, to a maintenance basis. In the 41 years of operation, to that date, the toll receipts had been \$4,971,121.86, or an average of over \$100,000 a year.

The loss of the canal at the falls of the Ohio was only a local disaster, affecting Indiana interests in that immediate vicinity; but it largely monopolized official attention while it was a live project. For example, one of the chief reasons for locating the state prison at Jeffersonville was for using convict labor in the construction of the canal.<sup>46</sup> By the time it was out of the way, the demand for canals was arising from all parts of the State. New York had begun the movement in 1817, and prosperity and population flowed to that state at once. By the time DeWitt Clinton went over the canal, in 1825, in his barge, from Lake Erie to New York Bay, hailed by ringing bells, and roaring cannons, the West was aflame with the canal fever; and so was the rest of the country. Calhoun's bill devoting the bonus and profits from the second Bank of the United States to internal improvements had passed in 1816, and all the states wanted a share of it. Northern Indiana seemed peculiarly fitted for canals, and the whole state was comparatively level. From the days of LaSalle, Indians and fur traders had used a dozen water routes through Indiana between the Wabash and

<sup>45</sup> Quoted in *Palladium*, May 13, 1826.

<sup>46</sup> *Chamberlain's Gazetteer*, p. 135.

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the lakes. The route by the Maumee and the Wabash was the most direct way from Canada to New Orleans. It was on account of these portage routes that the provision was put in the Ordinance of 1787 that, "The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States." All the streams in Indiana that were navigable on that basis had been surveyed out, and reserved from sale by the United States; but most of them could be used only in high water, and they did not reach many desired points. Railroads were still in the experimental stage, and steam engines were foreign to



WABASH AND ERIE CANAL AQUEDUCT OVER THE ST. MARYS, AT FORT WAYNE

(From a drawing by Ellis Kaiser)

the observation of the average Indiana farmer. But he knew all about ditch digging, and making dams. Plainly, the canal was the thing.

Governor Jennings had advocated canals from the time of his message of December 2, 1817, and called attention to the availability of the three per cent. fund for this purpose, but nothing was done by the legislature for several years. The people took it up. Fort Wayne was moved to action by the report of Capt. James Riley, an United States surveyor, in 1818 and 1819, that the St. Marys and Little River could be connected by a canal six miles long, thus connecting the Wabash and Lake Erie. This was true enough, for, in high water, canoes had often passed between the two rivers; but on reflection the Fort Wayne people concluded that for practical purposes a canal could not be limited to high water conditions; and, in 1823, the citizens of Fort Wayne em-



ployed Col. Young and A. L. Davis to make a survey from the Wabash at the mouth of Little River to the Maumee, a distance of 25 miles. They found that the greatest difference of levels on line was only twenty feet. On December 9, 1825, a mass meeting was held at Fort Wayne, presided over by Gen. John Tipton, at which resolutions were adopted asking the national government to locate a line between the Maumee and the Wabash. This was in response to an act of Congress of May 26, 1824, giving the State of Indiana the "privilege" of constructing a canal "fit for navigation" from the Maumee to the Wabash, and granting a right of way, with 90 feet on each side of the canal, but the canal must be finished within twelve years, and when finished, must be forever free for all public uses of the United States government. When this came before the legislature, at its first session at Indianapolis, the House committee indignantly reported that the grant would amount to 621 acres for the construction of a canal 23 miles long, and said the proposition "bears on its face such a character of closeness and penury that no politician having a just regard to the interest of the state ought to be willing to accept it." It recommended another memorial and a request for a grant of a section of land for each mile of canal.<sup>47</sup>

The Indiana protests had some effect in Washington, and on May 24, 1826, the national Board of Internal Improvements ordered Engineer James Shriver to make examinations and surveys for practicable routes for canals in Indiana, connecting the Wabash and St. Mary's by way of Little River; Lake Michigan and the Wabash by way of the St. Joseph, Kankakee, Yellow River, and the Tippecanoe; the Wabash and White River by the Mississinewa and the Wild Cat; the Whitewater and the Wabash; and around the falls of the Ohio on the Indiana side. These routes may seem absurd to the reader of today; but most of them are not only perfectly feasible, but also were common routes of Indian travel, mentioned in all the descriptions of the region then extant. Not only the older writers, as M. de Vergennes, Foreign Minister to Louis XVI, Volney, and others, but the later writers referred to them. In a letter to Secretary Eustis, in 1809, Gov. Harrison speaks of the portages from the Tippecanoe to the Kankakee and the St. Joseph's, as "nine to fourteen miles, much used by Indians and sometimes by traders."<sup>48</sup> This route was through Lake Maxinkuckee, the portage being from that lake to Yellow river. Barring wire fences, it is easy to run a light boat from Lake Maxinkuckee to the Tippecanoe at the present time. In his *Western Gazetteer* (1817) Samuel Brown says: "All the

<sup>47</sup> H. J., 1825, p. 176.

<sup>48</sup> Dawson's *Harrison*, p. 133.

streams in the northern parts of the state, which empty into the Wabash and Illinois, have their branches interwoven with many of the rivers running into Lakes Erie and Michigan. Indeed, as before observed, they not unfrequently issue from the same marsh, prairie, pond or lake. There are upwards of twenty portages near the Michigan frontier, only two of which have hitherto been used by the whites. • • • There is a portage of four miles between the St. Joseph's of Lake Michigan and the Theakaki (Kankakee); of two miles between the Theakaki and the Great Kennomic (Calumet); of half a mile between the Great and Little Kennomic; of four miles between the Chemin (Trail Creek) and Little Kennomic; and of three miles between the west fork of Chicago and Plein; besides numerous ones between the head branches of the two St. Josephs, Black, Raisin and Eel rivers, which vary in length according to the dryness or moisture of the season." In his *Emigrants' Guide* (1818), William Darby says that, "with one extremity upon the Ohio river, and the opposite upon Lake Michigan, with intersecting navigable streams, Indiana will be the real link that will unite the southern and northern part of the United States."<sup>40</sup>

Shriver died shortly after beginning this survey work, and it was continued by Major Asa Moore, who surveyed the line between the Maumee and the Wabash in 1826, and reported that it would be easy to build a canal on that route. He continued the surveys in 1827-8, but took sick and died at the rapids of the Maumee on October 4, 1828. Meanwhile Congress arose to the situation, and by act of March 2, 1827, gave to the State, for construction of the Wabash and Erie canal, the alternate sections in a strip of land five miles wide, bordering the line of the canal. This was the beginning of national grants in aid of internal improvements, and marks an epoch in the history of the nation. Also, in October, 1826, Lewis Cass, James B. Ray and John Tipton had made treaties with the Miamis and Potawatomes, by which, among other things, the Indians granted rights of way through their reservations for the canal. Indiana was now ready for business, as soon as the proceeds of the land sales were available, but there were various causes for delay. By act of January 5, 1828, Indiana accepted the Government gift. A board of commissioners was appointed, consisting of Samuel Hanna of Fort Wayne, Robert John of Franklin County, and David Burr of Jackson County, to take charge of the work; but the board found itself without sufficient funds or sufficient authority to do anything but report. Moreover, the eastern end of the canal was in Ohio, and Indiana had no control over it. Ohio had wanted the canal

<sup>40</sup> Ind. Hist. Coll. Indiana as seen by Early Travelers, pp. 165, 167, 193.

made by the line of the Big Miami river to Cincinnati, and on May 24, 1828, secured an act of Congress granting the alternate sections in a five-mile strip for the extension of the Miami canal from Dayton to Lake Erie, by the Maumee route. The fourth section of this law provided that Indiana might relinquish so much of her canal lands as lay within Ohio to that state on such terms as the two states might agree upon, Ohio to construct the Wabash and Erie within its borders on the same terms as originally provided for Indiana. After more than a year of negotiation, on October 3, 1829, Wyllys Silliman, of Zanesville, on the part of Ohio, and Jeremiah Sullivan, on the part of Indiana, met at Cincinnati, and agreed that Ohio should take the lands within her boundaries and build the canal east of the Indiana line, both states to finish their work within fifteen years. By act of January 28, 1830, Indiana established a new board of commissioners, composed of David Burr, Jordan Vigus and Samuel Lewis, to take charge of the land sales and preliminary work. They employed Joseph Ridgeway, of Columbus, Ohio, an experienced engineer, to prepare plans and specifications for the work from the state line to the mouth of the Tippecanoe river, which was the extent of the original land grant. The amount of the granted lands in Indiana was 349,261 acres. Ridgeway's estimate of the cost of the canal completed was \$1,081,970.

Then came more delay. The Ohio legislature failed to ratify the Cincinnati agreement. Sentiment in Indiana was divided. Some predicted the cost of the canal would be much greater than the proceeds of the lands, and the people would be subjected to heavy taxation. Quite a strong party had grown up in favor of railroads instead of canals. Finally the canal advocates won out, and on January 9, 1832, an act was passed creating a board of fund commissioners, authorized to borrow \$200,000 and keep the canal commissioners supplied with funds. Work was ordered to be commenced before March 2, which was the expiration of the five years in which the work was to begin under the grant by Congress, or the grant forfeited. It was indeed time for action. Washington's birthday was selected for the saving act. Vigus hastened up to Fort Wayne, where the ceremony was to occur. Under the plans, the canal came up the south side of the Maumee, followed the St. Mary's through part of Fort Wayne, and then crossed the valley of the St. Mary's to what is now the northwest part of the city, where it was to be joined by the branch from the feeder dam on the St. Joseph's, some six miles above the city. On February 22, most of Fort Wayne formed a procession, marched out to the chosen spot, preceded by a band, with the national colors flying, and there formed in a circle. Vigus told of the obstacles encountered and overcome, and announced,

"I now begin the Wabash and Erie Canal by authority of the State of Indiana," and "struck the long suspended blow." Charles W. Ewing, native of New York, and first prosecuting attorney of Allen County, made "an appropriate and eloquent address"; and then Judge Samuel Hanna, Captain Murray, and other enthusiastic citizens fell to, and made an extensive hole in the ground.<sup>50</sup> The land grant was



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saved, and it was a great day for the Maumee and Wabash valleys. On March 1, the Canal Commissioners began letting contracts and the first fifteen miles, including the St. Joseph's feeder dam, were let for \$63,358.86, or \$850.42 less than Ridgeway's estimates; whereupon the canal advocates hooted in derision at the prophets of unexpected expense. The Commissioners employed Jesse L. Williams, a North Carolina Quaker who had been chief engineer of the Miami Canal, and

<sup>50</sup> Cass County Times, March 2, 1832.

who later arose to national distinction in his profession, to supervise the work of construction. For the next ten years he was the Indiana authority on engineering problems. Under his supervision, work on the canal proceeded as well as could be asked.<sup>51</sup> The stretch from the feeder dam to Fort Wayne was completed and the water turned in, in June, 1834; and the entire population of the place celebrated the glorious Fourth by a trip to the feeder dam in a big scow, hastily constructed by F. P. Tinkham, and a day of revelry at that location. By the next Fourth, the canal was completed to Huntington, and Capt. Asa Fairfield had built a regular canal "packet," named "The Indiana," and commanded by Oliver Fairfield, an old sea captain. On July 4, 1835, the Indiana made its first trip over the thirty-two miles connecting the Wabash with the Maumee, carrying a party of gentlemen only, reputed by tradition to have been the liveliest party that ever traveled on a canal boat. Thereafter the Indiana made regular trips on alternate days, from Fort Wayne to the terminus of the canal, as it progressed down the Wabash, carrying freight and passengers. This division of the canal, including the feeder dam, cost only an average of \$7,177 per mile, although constructed through a comparative wilderness, where the transportation of supplies was costly. But even here, it ran into the log cabin of old Chopine, on the White Raccoon reservation, which had to be removed and rebuilt out of the canal fund, and much to the disgust of the dispossessed native.

Meanwhile the railroad people had been moving. On February 2 and 3, 1832, the legislature of Indiana had chartered eight railroad companies, five of which were to connect Indianapolis with the Ohio river at various points. One of these was from Indianapolis to Lawrenceburg, by way of Greenburgh and Shelbyville. This company laid the first railroad track in Indiana—a mile and a quarter, at Shelbyville. The common mode of construction at that time was to lay the ends of the cross-ties on two flat stones, and on them put wooden rails, which, when the funds of the company permitted, were capped with strips of bar iron. There being no stone available near Shelbyville, the experiment had been tried of resting the cross-ties on logs laid lengthwise the road. As the company had been unable to secure an engineer, the road was built by two contractors—"men without experience in such works, and with the ordinary labor of the country." On the Fourth of July, 1834, while the Fort Wayne people were junketing at the feeder dam, the people of Shelbyville indulged in the first railroad ride in Indiana. James Blake, of Indianapolis, President *pro tem* of the company, says

<sup>51</sup> For full sketches of Jesse L. Williams see Stuart's *Lives and Works of Civil and Military Engineers of America*; Knapp's *Hist. of the Maumee Valley*, p. 415.

in his report for 1834, "In the course of the day between six and eight hundred persons were passed upon the road by one car, a distance out and in of two and a half miles. One horse was found able to draw from forty to fifty persons at the rate of nineteen miles per hour, and this when all the work, both of car and road, was new and rough. Owing to the difficulty of procuring an engineer, the directors superintending the work did not deem it proper to carry it into Shelbyville, as they could not tell where the engineer might choose to cross the river. The work was, therefore, stopped three-quarters of a mile from town. Yet it is believed that it affords a fair specimen of the cost of construction through the line of level country already spoken of. Upon it there is one cut of five feet; one embankment of five feet, and one of ten—two curves and two bridges, already mentioned,—all in the distance of one and a quarter miles, and the whole cost was one thousand five hundred dollars per mile." Mr. Blake also adds, for the enlightenment of the stockholders: "The road in every respect is calculated for the use of locomotive power—and the speed and cheapness of that power over every other, will no doubt occasion it to be adopted on this road as it has been on almost every other of any extent in the United States and in Europe. It would, therefore, be proper at once to save the expense of a horse path. This is estimated to cost three hundred dollars per mile, and supposing the road to be ninety miles long, twenty-seven thousand dollars may be saved. A sum sufficient to procure all the locomotive power necessary for a long time. And it will supercede the outlay of capital that would otherwise be necessarily invested in horses. In addition to these advantages, if steam alone should be used, the intermediate space between the rails need not be so entirely filled with earth as is required by the horse path, and thus the rails, at least, may be made to last many years longer than they would do were they brought into immediate contact with the earth."

With this situation, it is easy to understand the sentiment for internal improvements in Indiana in the period from 1830 to 1840. It was evident that the crying need of the State was for cheaper transportation. Grain was selling for from 30 to 50 cents a bushel more on the Ohio river than it was in central Indiana. The cost of transportation by canal or railroad was not more than one-third of what it was by wagon. The difference in the value of the product of an acre of land was greater than the market value of the land. The chief wealth of the State was in lands and agricultural products. Everybody wanted improved transportation of some kind. The difficulty lay in this almost universal demand. It was a problem of dividing five apples among ten boys, and giving each one an apple—the apples being somewhat pros-

pective, but regarded as certain. Nobody was willing to wait. Some advocated railroads and some canals, but both were operating successfully in other states, and both had, by July 4, 1834, been demonstrated to be feasible, on a small scale, in Indiana. It was necessary, to secure any action, to get a majority of the ten boys to agree on some plan, and that task fell to the legislature of 1834. The solution reached was a bill providing for eight improvements, as follows:

1. The Whitewater Canal, from Nettle Creek, near Cambridge City, in Wayne County, to Lawrenceburg, with connection by canal or railroad to the Central Canal. The surveys for this canal had been made in 1834 by Jesse L. Williams and William Gooding, and their report, which was before the legislature, estimated the cost at \$1,142,126. For this work the legislature appropriated \$1,400,000.

2. The Central Canal, from some point on the Wabash between Fort Wayne and Logansport, to Muncie; thence down White River to Indianapolis; and from there by the most feasible route to Evansville. For this the appropriation was \$3,500,000.

3. An extension of the Wabash and Erie Canal to Terre Haute; with connection from there to the Central Canal. Appropriation \$1,300,000.

4. A railroad from Madison to Lafayette, by way of Columbus and Indianapolis. Appropriation \$1,300,000.

5. A macadamized road from New Albany to Vincennes, by way of Greenville, Fredericksburg, Paoli, Mount Pleasant, and Washington. Appropriation \$1,150,000.

6. A survey of a line from Jeffersonville to Crawfordsville, for a railroad, or, if that were found impracticable, for a macadamized road; by way of New Albany, Salem, Bedford, Bloomington, and Greencastle; the survey to be completed by October, 1835, and construction to follow. Appropriation \$1,300,000.

7. For removal of obstructions to navigation in the Wabash River an appropriation of \$50,000.

8. A survey for a canal, if possible, otherwise a railroad, from Fort Wayne to Michigan City, by way of Goshen, South Bend, and Laporte. No appropriation was made for this, but the work was to be commenced within ten years.

In addition to these appropriations, the Lawrenceburg and Indianapolis was authorized to borrow \$500,000 on the credit of the State, giving the State a mortgage on unimproved lands for security. To secure the money for prosecuting these works, the fund commissioners were directed to issue \$10,000,000 of State bonds, payable in twenty-five years, with six per cent interest; and for the payment of this loan

the various works, and their profits were to be pledged. This measure met with general approval, except from those localities that were not directly reached by the proposed improvements. All through the State, where there was a feeling of local benefit, there were bonfires, illuminations and general rejoicing. And from all parts of the nation there was applause of the enterprise of Indiana. This legislation had a more extensive effect on the history of Indiana than any other act ever passed by the Indiana legislature, and was the source of more political controversy. In later years, when the "system" had gone to pieces, leaving ruin in its wake, the Democrats charged the Whigs with responsibility for it, which was true enough, but there were very few Democrats who could point to any consistent opposition to it while it was in process of adoption. The subject was threshed over in the Constitutional Convention of 1851, which devoted a considerable part of its time to political ventilation; and there is no room for question that the substantial facts as to the passage of the bill were accurately presented by Judge David Kilgore at that time. Kilgore was born in Kentucky, April 3, 1804, and came to Franklin County, Indiana, in 1819, with his father, Obed Kilgore. With a common school education, he read law without a preceptor, but receiving occasional aid from James B. Ray and John T. McKinney, later of the Supreme Court. In 1830, having "finished Blackstone," he walked to Delaware County, with "a small bundle of clothes, four law books, and \$4.75 in money"; took a pre-emption claim, and began the practice of law. He was successful from the start; was elected to the legislature of 1832, and several times thereafter; and served as Speaker of the House, Judge, and Congressman. He was an open and ardent advocate of internal improvements and education, without apology for either.

In the Convention, on November 21, 1850, after some preliminary remarks about the attacks on the improvement system, Kilgore announced his intention of giving the true history of it, and "speaking plainly." He said: "At the sessions of the Legislature of 1834, 1835, the members of that body, believing that it was high time for Indiana to engage in some system of internal improvements, set about the work of devising a plan for action upon the subject. A bill was introduced in the House of Representatives having in view that object. The bill, as originally introduced, was not such as met the approbation of the majority. The objection to it was, not that it contained too much, but that it did not contain enough. And some of those who are now most loud in their denunciations of the system, were amongst the foremost in adding amendment to amendment until we had literally checkered the whole State with imaginary canals and roads of different kinds. That bill, sir, be-



came too ponderous to be carried by its original friends; and those who were the true friends of the State and her best interests, by common consent, laid it upon the table to sleep the sleep of death. But they did not abandon the hope of adopting some system that might, in the end, prove beneficial to the people. As yet no provision had been made for the further prosecution of the Wabash and Erie Canal, which had



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been commenced some years before; and to the friends of that work other portions of the State looked for aid in the commencement and prosecution of a well digested system of improvements. And for the purpose of securing that aid, we were unwilling to see that work provided for alone. A proper feeling was evinced from that quarter towards other interests. \* \* \* But whilst we were devising some safe and proper plan for such a system, to our great astonishment, a messenger from the Senate announced the passage of a bill through that

body, providing for the further prosecution of the Wabash and Erie Canal. This, sir, was unexpected, and produced that confusion in our ranks that might well be expected under such circumstances. All knew full well that if that bill passed, it would take from us many votes upon which we had been confidently relying to aid us in what we conceived to be an important and laudable undertaking.

"What is to be done? was the first inquiry made by every man who felt an interest in the matter. All knew, sir, that whatever was to be done must be done quickly in order to be successful. Now, Mr. President, for the information of gentlemen who have been so free in charging the friends of that system with bargain, sale and corruption, (terms, sir, which I seldom use, and never apply unless I am properly posted upon the subject) I will say that I never in my life used more untiring industry than I did on that memorable night, in order to secure strength enough to amend the Senate bill so as to provide for the survey of other works. I well recollect calling upon the lamented James H. Wallace, then a representative from the county of Jefferson, at a late hour in the night, to see what strength he could bring to the bill in case we would provide for the Madison road. He gave me the desired information, and pledged the support of a certain number of members who were interested. And this secured to the citizens of Madison and Indianapolis, and the intermediate country, that important work which, costly as it was, has proved so useful and profitable to all concerned. From him I passed to other gentlemen; still leaving each to propose a short description of his favorite work; until, with my tally paper in hand, I could count sufficient strength to amend the Senate bill, and thus prepare for a general survey. \* \* \* The true friends of the State's best interests did not at that time contemplate the prosecution of more than some three or four works: the Wabash and Erie Canal, the Central Canal, the White Water Canal, and perhaps one railroad. \* \* \* It was carried by a union of interests; it could be carried by no other means; and the same means, sir, would have given it the aid of every man then in the Legislature. \* \* \* As I have said before, sir, the survey of the various works designated unsettled the public mind, dethroned reason for the time being, and prepared the people for their own ruin. The next session found each one of these various projects amply represented; and each Representative urging the superior claims of his favorite work. We had sought information, we had obtained it, and we were by force of public opinion required to use the information most profitably, as was supposed, by commencing a system, embracing every practicable work which had been surveyed. We were not only

required to commence, but each interest being jealous of the others, all had to be prosecuted simultaneously. \* \* \*

"It was not a system of internal improvements, Mr. President, that these gentlemen opposed. It was the system. I mean, sir, the one that made no provision for their constituents. I know, sir, such was the case with my friend from Ripley (Thomas Smith); he voted for adding other works to the system; and this he surely would not have done unless he was for the measure. And so with my worthy friend from Harrison (John Zenor), for whom I entertain the highest respect. He, sir, voted for additions to the amount of one and a half million of dollars. \* \* \* So it was with the gentleman from Posey (Robert Dale Owen). \* \* \* He came upon the political stage the year after its adoption. And unfortunately for that gentleman, when he did come, his vision did not seem so vivid and clear as it now is, until the scales of self-interest were removed from his eyes, by a refusal on the part of the Legislature to pass his favorite measure, providing for additional works to the amount of something like three millions of dollars, as a part of that odious system. Its adoption was strenuously urged by that talented gentleman, with more than his ordinary zeal, and not one whisper was he heard to make against the extent of the system within the legislative hall, until his darling project was voted down; then, sir, for the first time, the ruin and bankruptcy of the State seemed to stare him in the face, and has been haunting his imagination ever since. \* \* \* Allusion was made by my friend who preceded me (Mr. Zenor) to the scenes that occurred in this city on the evening after the passage of this bill, and to similar scenes all over the State when its passage was made known. I very well remember those scenes, and many other circumstances connected therewith. I well recollect the brilliancy with which the city was illuminated, and not only this city, but towns and villages throughout the State. All of which tends to prove what I before stated, sir, that the system was forced upon the people by their own action; and that if blame is to attach anywhere, it should attach to the people themselves, without regard to party or party politics. \* \* \* I hope I will be pardoned, sir, for referring to a conversation had on the evening of the passage of this mammoth bill, between the distinguished gentleman who represented the county of Vigo, and myself. We were, I believe, alone at my room, and whilst others were enjoying the glee and hilarity of the city, we calmly reviewed our action, and the state of public feeling with relation to it. We looked to the future with fearful forebodings. We, sir, there predicted all that has followed; we agreed, and that too without the spirit of prophecy, that in less than five years the joy of the people

would be turned into mourning, that they were then looking at the bright side of the picture only, and that they would soon learn by experience their precipitate and inconsiderate action. • • • Although, sir, I am not one of those who consider a public debt a public blessing; yet, sir, disastrous as our public works have proved, I have no doubt that in many respects we are at least twenty-five years in advance of what we would have been, had our system of internal improvements never been commenced. By our misfortunes our people have learned by dear experience what they could not otherwise have known so well. Individual enterprise has been pointed to proper objects, and individual capital has found proper investments, which in the end will redound to the wealth of the State, and the general prosperity of the people."<sup>52</sup>

Such was the defense of the internal improvement bill by its author, and it must be conceded the merit of entire frankness. It was not questioned in any material point. Robert Dale Owen made a feeble effort to demonstrate his consistency, but his speech had been published in the *Democrat* of December 23, 1836, and it was produced, showing his warm plea that the forty-six counties not touched by any of the proposed works should be allowed their "modest, equitable demand" for two million dollars of additional improvements.<sup>53</sup> The weakness of the defense was that Kilgore confessed to exactly the thing of which he complained in others. His pet measure was the Whitewater Canal, and to secure it he forced the amendment of the bill for the Wabash and Erie, to which the State was already committed, by adding all the others, although he says he foresaw ruin from it at the time. His first ally was the Madison and Indianapolis Railroad, with the Central Canal following, and these three proved the most hopeless enterprises of the lot. No doubt he thought they were good things at the time, and so did the other legislators. And no doubt, when he started in he did not expect to be forced to the absurdity of attempting to construct everything at once. He might have immortalized himself by abandoning the entire plan when he saw that situation developed, but that would have been political suicide. He declares that, "It never entered into the minds of those who voted for the bill directing those surveys that all the public works therein contemplated should be carried on simultaneously;" and no doubt this was true as to himself; but the bill carried appropriations, and on its face it meant what it said. The substance of the defense of Kilgore and his party is that they created a Frankenstein monster that they could not control; and that the results were not so ruinous as they might have been. It must be understood,

<sup>52</sup> *Debates*, Vol. 1, p. 676.

<sup>53</sup> *Debates*, pp. 684, 686.

however, that they thought their particular improvements would be of great value; and that, at this time, even engineers were not acquainted with the difficulty of maintaining high line canals. It is practically impossible to maintain a high line canal with earthen banks and wooden locks and dams in a country that is subject to heavy floods, and abounds in burrowing water animals, especially muskrats. The muskrat has a propensity for digging holes through canal banks, and when the water begins running through one of such holes the embankment quickly washes out and the canal is gone, until the embankment is replaced. As an illustration, the seven miles of the Central Canal between Indianapolis and Broad Ripple, of which about one-third is high line, has been washed out repeatedly from this cause. The Indianapolis Water Company, present owner of the canal, has for years kept two men patrolling the canal to watch for breaks, and kill these animals; and has also paid a bounty for tail tips, and distributed traps, free of charge, to farmers along the line of the canal. Even in the settled condition of the region, in the five years, 1905-1910, there were more than one hundred muskrats killed in this little stretch of canal.

The Whitewater Canal, as surveyed, had a fall of 491 feet in its total length of 76 miles, and 49 chains. The engineers reported that construction would be "rendered expensive by the great amount of lockage," which was evident, as their plans called for 55 locks and seven dams, to overcome this fall of an average of seven feet to the mile. In addition to this, it had to cross ten creeks, besides crossing the Whitewater river at two points; and at a number of places had to be built in the river to get around hills, an artificial enlargement of the river being made on the opposite side. The State built the easiest stretch, from Lawrenceburg to Brookville, at a cost of \$664,665, and the first boat passed over this section on June 8, 1839. By this time the State was out of funds and, under a law of 1841, all of the improvements except the Wabash and Erie Canal were turned over to companies that agreed to complete them. The Whitewater Canal was taken over by an Ohio company, the chief interest being held by Henry S. Vallette of Cincinnati, in 1842. Meanwhile an Ohio company had begun the construction of a branch from Harrison to Cincinnati, which was completed in 1845. Vallette's company completed the canal to Laurel in November, 1843, and a boat took an excursion party to that place from Brookville. During the entertainment the canal bank broke, and left the party stranded eight miles from home. In January, 1847, before the canal was fairly completed, a flood destroyed the aqueducts at Laurel and washed out five of the feeder dams. In the next summer \$70,000 was expended in repairs, but in November another flood did damage that caused an addi-

tional expenditure of \$80,000, and it was estimated there were still repairs needed to the amount of \$30,000. One disaster followed another until the summer of 1862, the cost of maintenance exceeding the total revenues, and then it was sold on a judgment in the Federal Court to H. C. Lord, President of the Indianapolis and Cincinnati Railroad, for \$63,000. It had cost the State and the company about \$2,500,000. The railroad company wanted the tow-path for a right of way and especially the tunnel at North Bend, which had been made to take the canal through the ridge that separates the Miami and Ohio valleys at that point. This sale was set aside, and in 1865 the canal was resold to H. C. Lord, President of the Whitewater Valley Railroad Company, for \$137,348.12. The railroad put the canal out of use, except at a few points where it is still used locally for water power.

The chief defect in the Madison railroad scheme was the difficulty of getting out of Madison into Indiana. The original plan was to get up the hill back of the town by an inclined plane, the cars being hoisted by a windlass. The State began work in 1838, and had only 28 miles completed by 1842 and about half the grading for the next 28 miles; it then turned the road over to a private company. The expense had been about forty thousand dollars a mile, on the average, for the 56 miles. The company finished the road to Indianapolis in 1847, at an average cost of \$8,000 a mile. The mistake of Madison as a terminal may be seen from the fact that the Jeffersonville road, built only a few years later, cost for the 78 miles from Jeffersonville to Edinburgh only \$1,185,000, or about two-thirds of what the State paid for less than half the distance. The new Madison road company was in trouble from the start. Almost all of the original work was inadequate, and had to be replaced. It was very difficult to get water for the locomotives on the southern end of the line. On March 28, 1844, a loaded freight car broke loose on the incline and smashed into a passenger train, killing five persons and maiming others. The company then bought the right to use the Catheart patent cog-rail system for six thousand dollars. After spending \$2,000 in defending the patent, and \$75,000 for installing it, it was found to be neither safe nor convenient. Still there were some signs of prosperity. The receipts from transportation, which were \$22,110 in 1843, with 33 miles of track, and \$60,053 in 1845, with 50 miles of track, rose to \$272,308 in 1850, and \$516,414 in 1852. The terms of transfer to the company by the State, in 1843, included the payment to the State of a rental of \$1,152 per year for three years—later extended to ten years—after which the profits were to be divided between the State and the company in proportion to the mileage constructed by each, giving the State about one-third. In 1852 the State sold its in-

terest to the Company for \$300,000, taking a second mortgage for the amount. But immediately after the sale the State adopted a general law for the free incorporation of railroads, under which the Jeffersonville and Indianapolis and the Lawrenceburg and Upper Mississippi roads were at once built, and their competition ruined the Madison company. Its stock, which sold at \$1.60 in 1852, dropped to 2½ cents in January, 1856. A legislative commission that year reported the liabilities of the road at \$3,132,396, with a certainty that the property would not satisfy the first mortgage of \$600,000, which became due in 1861. The



THE BIG GRADE AT MADISON

commissioners accepted \$75,000 in settlement of the State's claim, in 5 per cent State bonds. The State also had \$31,450 of stock, issued for earnings dividends in 1852 which it exchanged to Winslow, Lanier & Co. for \$59,300 of State 2½ per cent bonds. These were the State's returns from the Madison railroad venture.

The Central Canal rejoiced in six different lines of location between the Wabash and Muncie, none of which was ever decided on. There were three stretches of it—from Broad Ripple to Indianapolis, and sixteen miles below to Port Royal, or "The Bluffs;" the "Cut Off," from Terre Haute to Point Commeree, connecting the Central with the Wabash and Erie; and the Pigeon Creek section in Vanderburgh County. These cost the State \$1,820,026 and were of no material benefit to anybody as they were entirely disconnected. There were some slight local benefits in the way of water power. At Indianapolis there were great

expectations of the benefits of "the hydraulic," and several industries located on the canal, and rented power from the State. But the flood of 1847 washed out the aqueduct over Fall Creek, and the mills were forced to shut down for months before the break was repaired. The owners refused to pay the rent, and suits were brought for it. In 1850 Governor Wright was authorized to compromise the suits and sell the property at public auction. He did so, and obtained for the entire canal property in Marion County \$2,245 from George G. Shoup, James Rariden and John S. Newman, from whom it passed by various transfers to the Indianapolis Water Company and it is now the chief source of water supply to the City of Indianapolis, after passing through filtration beds. The remainder of the "Indianapolis section," in Morgan County, which was merely land with partial excavation, was bought by Aaron Alldredge for \$600.

Such were the results of Mr. Kilgore's three principal works, but they were not wholly due to intrinsic defects. There was unquestionably much financial mismanagement and inefficiency, and some downright fraud; but even with the best of management the system would have failed. It taxed the credit of the State to the utmost, and just at the point where credit was most needed, President Jackson's controversy with the Bank of the United States, and his order of July 11, 1836, that nothing but specie and Virginia land scrip should be accepted in payment for government lands, brought on the panic of 1837, which paralyzed business of all kinds in the United States. The financial trouble was not confined to the United States. Most of the states had gone in for internal improvements, and most of them had borrowed money abroad. In 1830 the total debts of the several states of the Union amounted to only about \$13,000,000. In 1842 the Secretary of the Treasury reported them at \$207,894,613, with an annual interest charge of \$10,394,730. The drain of specie from Europe was so great that the Bank of England raised its discount rate several times and in 1839 it was reduced to a specie fund of less than two and a half million pounds, and would have been forced to suspend specie payments but for aid from the Bank of France. In consequence of this situation, Indiana was unable to get any money for her bonds, which had been negotiated abroad in the spring of 1839. In this emergency the State issued a million and a half of treasury scrip, which held off the finish for a few months longer; but the case was hopeless. The State could not get money to go on with the improvements—not even to pay the interest on her debt. She was simply forced to stop. The results were much the same elsewhere. In 1880 there were in the United States 1,953 miles of abandoned canals,



which had cost \$44,013,166, and of these 453 miles, that cost \$7,725,262, were credited to Indiana.<sup>54</sup>

Under the settlements provided for by the act of 1841 all of the improvements were disposed of except the Wabash and Erie Canal. The State had agreed to build the canal between Lake Erie and navigable water on the Wabash. The latter was originally understood to mean the mouth of the Tippecanoe river, but later was by agreement extended to Lafayette, which was considered an unquestionable point accessible to navigation at the time. The canal was completed from Lake Erie, and opened to navigation in 1843. Its revenues proved little more than enough to cover the cost of maintenance, and the State was unable to meet the interest on its bonds. In 1845 Charles Butler of New York, an attorney representing the New York and London capitalists who held nearly all of the bonds, came to Indiana to adjust matters. His general proposition was to refund the debt, which bore 5 per cent interest, with long time securities, bearing  $2\frac{1}{2}$  per cent interest, to be paid by taxation, the other  $2\frac{1}{2}$  per cent to be paid from the profits of the canal; the bondholders to furnish \$2,225,000 to extend the canal to the Ohio river at Evansville. He revived hope to such an extent that the legislature passed a law to that effect in 1846. The big bondholders refused to furnish this additional sum, and Butler came back for further negotiation. After much parleying, and against a large amount of opposition, the matter was settled by the act of January 27, 1847, under which the State turned the entire property over to the bondholders for half of the debt, and issued State stock for the remainder. Mr. Butler announced entire satisfaction with the settlement, and there is no good reason to doubt that his statement was true. Both he and the bondholders evidently thought the canal would be a paying property if it were extended to Evansville, for they expended a large amount of money in that work. At the time there was a seeming fair prospect that it would be. There was no transportation route competing with it, and the use of the canal was steadily increasing. It is a perversion of language to speak of this settlement as "repudiation," as has been done. A compromise settlement, in which the debtor surrenders the entire mortgaged property and agrees to pay one-half of the entire debt in addition, is very far from repudiation. In this case the settlement was not merely made with Butler as agent for the bondholders. In 1847, after the passage of the act, J. F. D. Lanier went to Europe as representative of the State, and secured the surrender of most of the bonds on the terms of the law. A committee appointed by the Rothschilds, Barings,

<sup>54</sup> Ringwalt's *Development of Transportation Systems in the United States*, p. 52.

and other heavy bondholders, adopted resolutions approving the settlement. The Finance Committee of the U. S. Senate approved it, and recommended the surrender of bonds to the amount of \$265,549.53 held by the United States. The Senate committee, in this report, stated that "Scientific men have given the opinion that when the canal shall be completed to Evansville, on the Ohio river, the revenues will be ample to meet the interest and ultimately to redeem the principal of that half of the existing debt which is to be chargeable upon it."<sup>55</sup> That the State hoped that the earnings of the property would pay the debt is shown by the careful provision for the return of the property after the debt was paid.

There are few matters in Indiana history to which there has been more misunderstanding than this of "repudiation" of the Wabash and Erie Canal debt. The only repudiation that was ever proposed by anybody was of something over \$3,000,000 of bonds for which the State had never received payment. Most of these had been sold to the Morris Canal and Banking Company on credit. It was doing a brokerage business and had been taking the bonds in this way, with the understanding that they were to be resold and paid for from the proceeds. The firm was generally supposed to be sound, and it actually sold and paid for over four millions of the bonds before it failed. It made Indiana a preferred creditor, but its assets were mostly worthless securities of companies that had failed in the general smash of 1837-8. Michigan had been caught in the same way on its "five million dollar loan," and by act of February 17, 1842, had repudiated all of its bonds for which it had not received payment. They had been sold largely to this same firm of the Morris Canal and Banking Company, and in the same way. Butler's first mission had been to Michigan; and he had, after a long struggle, succeeded in getting a compromise which recognized these unpaid-for bonds. This was in 1843, and the nature of the settlement was known in Indiana. Butler's first proposition to the Indiana legislature was not as favorable as the Michigan settlement, and was apparently made with the intention of making a better offer if it was rejected. His real fight in Indiana was to get an agreement of payment for the bonds for which the State had received nothing. That he expressed himself perfectly satisfied with the result is unquestioned, but the sincerity of his statements has been questioned on the ground that he "was an attorney and must be interpreted as such"; that "he had got all he could, and it was clearly to his interest to put on the best face possible before his clients. It would have been foolish to report to them that he had

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<sup>55</sup> Sen. Reports, 1st Sess. 30th Congress; *Life of Lanier*, pp. 38-9.

failed."<sup>56</sup> Possibly his being an attorney might be *prima facie* evidence of insincerity but it is at least subject to rebuttal. He was a man of very high moral and religious principles and fortunately his private correspondence during this period has been preserved. He was one of the founders of Union Theological Seminary, and for twenty-seven years preceding his death was president of its board of directors. His



CHARLES BUTLER

letters are preserved in a history of the Seminary, by G. L. Prentiss, a brother of that remarkable genius, Sergeant S. Prentiss. The Indiana letters were written to his wife and children, and it is hardly probable that he had any interest in deceiving them. Moreover they are so frank and convincing as to remove any possibility of suspicion.

Naturally, his first public address, with its hopeful view of the future of the canal, was not fully credited by all of those who had fallen into

<sup>56</sup> *Ind. Hist. Soc. Pubs.*, Vol. 5, p. 143.

despondency over the prospects. On December 12, 1845, he wrote to his son, Ogden: "My letter to the Governor will be printed tomorrow. I was amused at a remark of one of the plain country members, who said to Mr. Bright (Jesse D.) that there 'was first a little sugar, then a little soap, then sugar, and then soap, and it was sugar and soap all the way through.' Another said that I had 'mollassoed' it well. You will think from this it was a strange document, but the critics were real Hoosiers and 'no mistake,' as they say here. At any rate they liked it well—for maple sugar and soap and maple molasses, you will understand, are three of the greatest staples in this country. They don't make much use of the soap, but they do of the sugar and molasses, so I infer from it that they were pleased." Following this come a series of letters describing the contest day by day. The subject was referred to a joint committee of twenty-four members who met in the evenings usually, in the Senate chamber, and Butler gradually made converts among them on his main proposition of paying the bonds for which the State had received nothing. He was making friends outside of the legislature also, among them Rev. Phineas Gurley, later pastor of Lincoln's church at Washington, and Henry Ward Beecher, both of whom were preaching at Indianapolis at the time. On December 24 the joint committee rejected his original proposition, but adjourned to the next evening to receive his "ultimatum"—both the committee and the legislature worked on Christmas and New Year's day as on other days. On Christmas afternoon, while Butler was working on his second proposition, the enemies of the bill in the senate, who had got wind that something was in prospect, undertook to revoke the powers of the joint committee, and Butler's friends were speaking against time to prevent the question from coming to a vote, when a fire broke out in the Palmer House, and as about half of the members stopped there, the legislature adjourned for the fire, and Butler's chance to make his second proposition was saved. He read it to the committee and a large number of spectators. That night he wrote: "The effect was electrical; and if I can judge, it really routed the last hold of the enemy. One man, a Senator who has been exceedingly bitter and personal in his opposition, so much so that my friends have christened him with the nickname of 'Tallow Face,' said that he could not go against that. The friends of public credit and the canal are now in ecstasies. I think the blow has been struck that will sweep the opposition and save the great object, to wit, the restoration of credit and payment of the debt. • • • By the proposition I have made, I have no doubt but it will be ultimately paid to the last farthing. The friends of the canal and public credit, on the committee, had not one of them anticipated the proposition I submitted, and it took

them by surprise. It met their most sanguine expectations—indeed, they had not dreamed that I would make one so liberal and fair, and they were overwhelmed, whilst the enemy were scattered in every direction. They may rally, however, again, for it is impossible that it should pass in any shape without a great fight.”

He was right as to the fight. All sorts of tactics were resorted to to defeat the bill. One of the most dangerous was a proposition to submit the question to the people, which the friends of the bill succeeded in defeating. Beecher preached a strong sermon in favor of the bill. The



BEECHER'S CHURCH, 1893  
As Remodeled for High School

Democratic and Whig conventions met early in January and both took stand for the State's meeting its debts. On the 12th Butler wrote: "This has been a most exciting day, and yet I have been cool. The enemy made a terrible assault on me, as the representative of the British bondholders. One man said the bill sold out the whole people, land and all, to the British. The oldest gentleman in the House, Father Pennington, made a most excellent speech in my defense, and vindicated me from the attacks in a very manly and gratifying manner." On the same day he wrote: "Gov. Whitcomb has taken the most manly and decided course throughout, and more than sustained his pledges to me, and so has Mr. Bright." He refers to this several times and, indeed, had written the night before: "Gov. Whitcomb and Mr. Bright work night and day, day in and day out; the Governor said he could not sleep at all."

On January 17, when the bill came to a final vote in the Senate, the day was carried by a spectacular expose. Eleven of the Senators had entered into a written agreement that if they could not defeat the bill in any other way, they would "bolt" and break a quorum. Senator Coffin (William G.), who favored the bill, happened to go into the room of Senator Holloway (David P.) and saw this paper lying on the table. He made a memorandum of its contents and the signatures, and sprung it on the floor of the Senate. The bill then passed the Senate by a two to one vote. On the 19th Butler wrote: "I am happy to say to you that the bill to redeem the credit of Indiana and finish her great canal, has this day received the signature of the Governor. He signed it in bed in my presence, saying that it was one of the most gratifying acts of his life. He is yet very sick and confined to his bed, not being able to be removed to his own house. The necessary tax bill, and all the other needful bills to give effect to the measure, have also passed. Thus my mission is accomplished, and God has smiled on me and on all my endeavors. \* \* \* The friends of public credit are overjoyed. They are now taking leave of me. I assure you that I have become so attached to some of these people, who have stood by me through thick and thin, that I feel sorry to part with them."

If there were any room for doubt that Butler felt that he had accomplished a great work for the bondholders and for Indiana, it would be dispelled by his letter from Cincinnati, on February 22: "I thought that in this business I was doing good and promoting the welfare of a State and its hundreds of thousands of people and of generations yet to come. The influence of my operations is not limited to Indiana itself, but will tell on the destiny of other States and the country at large. The measure is not yet sufficiently estimated, nor, indeed, can it be. A few years will develop its fruits and effects more strikingly, and it will be regarded with admiration." It is true that there was complaint from the bondholders after the failure of the canal but the basis on which Butler had opposed "repudiation" of the bonds for which the State had received nothing was that they had passed into the hands of innocent purchasers, through the acts of agents of the State. Butler was not only the agent of the bondholders, but his agreement was formally ratified by them, as before mentioned. That they fully understood that they were taking the canal for half the debt, is beyond question, for Butler expressly said in his proposal: "If the income of the canal turns out to be sufficient to make up the other two and a half per cent of interest, the bondholders and the people of Indiana will equally rejoice—the former because they get their full interest, and the latter because they pay in full. If the revenues fall short the bondholders will lose, and if

they exceed the overplus is to be paid into the State treasury, to be applied to the redemption of the principal." This letter was printed and widely circulated, to bondholders and the people of the State. Years afterward Baron Rothschild urged on Governor Morton that the people of Indiana were in honor bound to take up this half of the canal debt, because the canal had been ruined by the railroads which the State chartered. Morton replied that "the progress of the age and the necessities of commerce made railroads indispensable, and that the State was no more liable for the injuries which these might inflict upon old methods of transportation than for the damage which might be done by a flood or a tornado.<sup>57</sup> The settlement was on the same basis as that of Michigan. The difference was that Michigan had built railroads instead of canals, and they proved valuable after they had been turned over to the bondholders. On the other hand, the people of Michigan got the benefit of their completed railroads; and those of Indiana lost the benefit of their collapsed canal, and of all that they had put into it.

The canal was put in the hands of trustees, of whom Butler was one, who had complete control of the funds and the work. The bondholders voluntarily advanced \$815,900, which with the proceeds of the unsold lands and other revenues, was sufficient to complete the canal to Evansville. On September 22, 1853, the "Pennsylvania," commanded by Capt. Sharra, reached Evansville—the first boat to pass through the entire length of the canal, from Toledo. But the profits did not meet expectations. The Reports of the Trustees present a dreary succession of wash-outs and other mishaps that played havoc with net earnings, though the canal was doing immense benefit to the whole region tributary to it. For example, on May 4, 1856, 14,000 cubic yards of canal slid bodily into the river at Feassel's ferry, four miles from the aqueduct over White river. The break was repaired and the water turned in, whereupon another 10,000 cubic yards slid into the river. The break was repaired very carefully, and the banks lined with clay, but within 24 hours after the water had been turned in, 5,000 cubic yards more slid in. The engineers finally got it patched up so that it would stay, but meanwhile the canal was out of use. There were also troubles from human agencies, the worst being at the Birch Creek reservoir. This reservoir, made by damming Birch creek, a tributary of Eel river, in Clay County, was the only means by which water could be furnished to a long stretch of canal in that vicinity. The people of the neighborhood got an insane idea that it would cause "malaria," and warmly opposed its construction. On June 21, 1854, they cut the dam, and the canal

<sup>57</sup> Foulke's *Life of Morton*, p. 461.

was put out of commission for the season. The Trustees rebuilt the dam, and on May 10, 1855, a mob of men, with blackened faces, drove off the workmen at noon-day, and again cut the dam. Militia were promptly sent to protect the work, but on May 31 an attempt was made to burn the aqueduct over Eel river which did considerable damage; on June 20 the shanties of the workmen were burned and on June 29 they succeeded in cutting the dam again. A large number of persons were arrested, but they were all released by the local courts without punishment. In 1856 a compromise was reached, by which the Trustees had all of the timber removed from the lands covered by the reservoir, and the reconstructed dam was allowed to remain intact thereafter.

By this time a more serious danger had appeared in competing railroads, which paralleled the entire canal, and the canal went from bad to worse, until by 1870 it was abandoned, except in localities where it was kept up for water power. In 1856 the principal bondholders petitioned the legislature to buy the canal, claiming that they had been deceived, and that the State had not kept faith by chartering competing railroads, which proposal the legislature emphatically declined. The thing drifted along until 1874, when Jonathan K. Gapin of New York brought foreclosure proceedings in the U. S. Circuit court, and on February 12, 1876, the canal property was sold, under decree, for \$96,260. There were, however, 191 of the original bonds of 1836 that had never been surrendered, and in 1870 John W. Garrett of Baltimore brought suit against the Trustees of the Wabash and Erie Canal to foreclose the original mortgage, under which he held 41 bonds. As this would have received the debt disposed of by the Butler compromise, Gov. Baker brought the matter before the legislature of 1871, which appropriated money to pay them. At the same time he called attention to a movement to get the State to pay the canal debt for which the canal had been taken, on the ground that the State had destroyed its value by incorporating competing railroads. The legislature submitted an amendment to the constitution prohibiting any such payment which was adopted. The last 20 of the old 1836 bonds turned up in 1877, and the legislature, which was in session at the time, promptly provided for their payment, thus closing all of the liability of the State under the compromise of 1847.

It is easy to look back now and see how the movement for internal improvements might have been made an even greater success than Illinois made of her Central railroad. If the advocates of railroads had been stronger in Indiana than the advocates of canals; if even the Jeffersonville influence in politics had been stronger than that of Madison, and the first railroad had been built from Jeffersonville to Indianapolis; if any one thing had been taken up, finished and put on a paying basis,



instead of trying to do everything at once, the movement might have been an inspiring success in State ownership. There is no room for question that Kilgore's claim of indirect benefit to the State is well founded. Notwithstanding the cost of the failure, it did cause an increase of population and an increased value of property in the State far in excess of the cost of the improvements. The population of the State grew from 343,031 in 1830 to 685,866 in 1840, 988,416 in 1850, and 1,350,428 in 1860. This growth was largely in the central and northern portions of the State, which were practically destitute of population prior to 1820. The increase in values was still more rapid. In 1836 the total taxable property of the State was reported at \$78,589,061, and in 1840 at \$91,756,019. In 1850 the true value by census estimates was \$202,650,264, and in 1860, \$411,042,424. In 1844 the Senate committee on Public Lands, in a report on granting additional lands for the extension of the Wabash and Erie Canal below Lafayette, said: "The influence of the work, so far as completed, upon the general prosperity of the fertile regions through which it passed were immediately, and even by anticipation, felt. The value of all real estate throughout the country was enhanced; its population greatly and rapidly increased; its agricultural industry, too, was greatly promoted, because better rewarded." The committee urged that the United States had lost nothing, because the canal had imparted "to the whole of the public domain there an increased value more than equal to the previous estimate of all which may have been granted to aid in its construction." It therefore urged the grant of additional lands which had remained unsold "after offering them for sale during every day for the whole of the last thirty-five years or more."<sup>58</sup> The value of the canal to agriculture may be judged from the fact that in 1844 there was shipped from Toledo 5,262 bushels of corn, coming from the Maumee and Wabash valley. In 1846 the shipments had increased to 555,250 bushels, and in 1851 to 2,775,149 bushels. In the latter year the canal also carried east to Toledo 1,639,744 bushels of wheat and 242,677 barrels of flour; while one item of the return shipments was 88,191 barrels of salt. A pioneer counted 400 farmer's wagons unloading grain for the canal at Lafayette in one day, and similar scenes of activity were reported from other points on the canal.<sup>59</sup> In 1840, at Delphi, farmers were selling wheat at 45 cents a bushel, and paying \$9 a barrel for salt. In 1842, when the canal reached that point, they got a dollar a bushel for wheat, and bought salt for less than four

<sup>58</sup> Senate Doc. No. 11, 2nd Sess. 28th Cong., Vol. 5, March 18, 1844.

<sup>59</sup> The Wabash Trade Route, E. J. Benton—this is the best presentation of details in regard to the Wabash and Erie Canal; Whicker, *Sketches of the Wabash Valley*, p. 79.

dollars a barrel. Moreover the canal developed home industries. In 1851 the Trustees reported that the canal was furnishing water power for 9 flour mills, 8 saw mills, 3 paper mills, 8 carding and fulling mills, 2 oil mills, and 1 iron "blowery and forge." The shipments of lumber were heavy for years, and the shipments of lime and building stone witnessed the development of those sources of wealth. The people profited largely, although the State lost, as a government.

Contemporary with the internal improvement system, and controlled by men who were interested in both, was another State enterprise that was phenomenally successful, the State Bank of Indiana. Jackson's veto of the bill for rechartering the United States Bank, and his reelection



BILL OF BANK OF THE STATE OF INDIANA, JEFFERSONVILLE BRANCH  
(Portraits are Saml. Merrill, Cashier, and Hugh McCulloch, President. See McCulloch's Men and Measures, p. 130)

in 1832 had warned the states to prepare for the change which must come when the charter expired in 1836. National politics did not yet control Indiana state elections, and Noah Noble, who was not the candidate of the ultra Jackson men, was elected in 1831 and 1834 to the office of Governor. Under his leadership there was formed a practical coalition of Jackson and Clay men who were in favor of internal improvements and a state bank. The legislative session of 1832-3 was largely occupied with efforts to agree on a bank system, but without success. In the campaign of 1833 the chief issues were internal improvements and a state bank, and the advocates of these measures won. The legislature met in December, 1833. On the 4th of that month a joint committee was appointed to prepare a bill; and on January 28, 1834, the act incorporating the bank was approved. On February 13 the directors met; elected James M. Ray cashier; and established branches

at Indianapolis, Lawrenceburgh, Richmond, Madison, New Albany, Evansville, Vincennes, Bedford, Terre Haute, and Lafayette—a branch was added at Fort Wayne in 1835, and others at South Bend and Michigan City in 1836. On May 20, 1834, the stock was reported fully subscribed. On August 6 the State made its loan to pay for its half of the stock. On November 19 the Governor proclaimed the bank open for business. On January 1, 1835, the bank made its first report to the legislature, showing deposits, \$127,236; notes in circulation, \$456,065; cash on hand, specie, \$751,083; bills of other banks \$78,150. The law is said to have been drawn by Judge Samuel Hanna, of Fort Wayne, a senator, and a member of the joint committee.<sup>60</sup> Hanna was born in Scott County, Kentucky, October 18, 1797. He was a son of James Hanna, who removed to Dayton, Ohio, in 1804, and began farming there. Young Hanna's first employment outside of the farm was as a post rider, or in present phrase a news carrier, except that in those days the newspaper patrons were so scattered that the delivery of their papers was largely made on horseback. At eighteen he became a clerk at Piqua; in 1818 attended the Indian treaty at St. Mary's as a sutler, and in 1819 located at Fort Wayne as a trader. He was soon made agent of the American Fur Company, the commercial "octopus" of the period, and served as Associate Judge of the Circuit Court. He was a zealous friend of internal improvements, and by consensus of opinion, did more for the prosperity of Fort Wayne than any other one man.

In October, 1835, the eminent financier, Hugh McCulloch, the only man ever called to the office of Secretary of the Treasury by three Presidents of the United States, was appointed cashier and manager of the Fort Wayne branch. He was born at Kennebunk, Maine, December 7, 1808, educated at Bowdoin College, read law, and began practice at Fort Wayne in 1833. He had no practical knowledge of banking when appointed, and was selected by the directors as "better fitted for the place than anybody else whose services they could obtain." As a banker he was a product of the State Bank of Indiana, and while there are more detailed account of the institution,<sup>61</sup> his description of its work has a professional and first source authority that gives it unique standing. He says: "In nothing was the wisdom, the practical good sense of the representatives of the people of Indiana in the legislative assembly more strikingly exhibited than in the charter of this bank. In some respects it resembled the charter of the United States Bank; but it contained grants and obligations, privileges and restrictions quite un-

<sup>60</sup> Brice's Fort Wayne, App. p. 7.

<sup>61</sup> W. F. Harding, *The State Bank of Indiana*, in *Jour. of Pol. Econ.* Dec. 1895; Logan Esarey, *State Banking in Indiana*.

like those which were to be found in any other bank charter, and which were admirably adapted to the condition of the State and the circumstances of the people. The number of branches was limited to thirteen, the capital of each of which was to be one hundred and sixty thousand dollars, one-half of which was to be furnished by the State. During the existence of the charter no other bank or corporate banking institution



HUGH McCULLOCH

was to be authorized or permitted in the State. As there were no capitalists and few men of more than very moderate means in Indiana, the charter provided that to every stockholder who should pay eighteen dollars and seventy-five cents on each fifty dollar share by him subscribed for, the State should at his request advance as a loan thirty-one dollars and twenty-five cents, so that the stock might be fully paid up. The loan was to be secured by bond and mortgage on real estate at one-half its appraised value. The stockholder was to be charged six per cent on the loan, and credited with whatever dividends might be declared

on that part of the stock which was thus to be paid for by the State. \* \* \* Many stockholders availed themselves of this option, and as in most of the branches the dividends largely exceeded six per cent, they found themselves before the expiration of the charter to be the owners of the stock subscribed for, free from the lien of the State. In the best managed branches, the lien of the State was discharged some years before the charter expired. The branch at Fort Wayne was not the best, but it was one of the best-managed branches. The profits of this branch so much exceeded six per cent that the loan was paid, if I recollect rightly, seven years before the expiration of the charter (during which period the largest profits were made), and the borrowing stockholder received for that period the dividends on the full amount of his shares. Nor was this all. At the winding up of the business of the branch, he received not only the par value of his stock, but an equal amount from the accumulated surplus.

"To pay for its stock and the advances to stockholders, the State issued and sold in London its coupon bonds, bearing five per cent interest, to run for a period slightly exceeding the time for which the bank had been chartered. These bonds were known as bank bonds, the interest and principal of which were equitably secured by the stock of the State in the branches, and its lien upon individual stock for advances. Long before their maturity the State was in a condition to retire them; but although her general credit had been broken down in the crisis of 1837, and her other bonds were for a number of years regarded as being well nigh valueless, these bank bonds could not be reached, although a handsome premium was offered for them. \* \* \* The result of the connection of the State with the bank was a net profit of nearly three millions of dollars, which became the basis of her large and well-managed school fund. Nor was the pecuniary gain the only benefit which the State derived from the bank. \* \* \* What the State needed was the means for sending its agricultural productions to market. What the bank needed, in order to be able at all times to meet its liabilities, was what was called prompt paper. Both of these requirements were met by the policy which the bank adopted in 1843 and steadily pursued. Not only did the bank furnish the needful means for sending the surplus productions of the State to market, but by its judicious loans to farmers, to enable them to increase their stock of cattle and hogs to consume their surplus of corn, which loans were taken up by bills of exchange drawn against shipments, it greatly stimulated and increased production. I do not exaggerate when I say that the profits of the State upon her bank stock, large as they were, were small in comparison with the increase of her wealth by the manner in which the business of the bank was con-

ducted. Its capital was a little more than two millions of dollars, but its discount line was so active that it was able to do a business quite disproportioned to its capital, the aggregate of its loans sometimes amounting in a single year to ten or fifteen millions. I have said that its charter was in many respects peculiar. It was not, like the Bank of the United States, a bank with branches, but rather a bank of branches. It was a bank in this respect only; it had a president, a cashier, and a board of directors, but as a bank it transacted no banking business. The president, who was ex-officio a member of the board, was elected by the legislature, as were also five directors, on the part of the State; the other directors were elected by the branches, one by each. It was a board of control, and its authority over the branches was arbitrary, almost unlimited. It could suspend a branch for mismanagement, or close it up if the mismanagement was likely to imperil the other branches, or to affect injuriously their credit. The power to put a branch in liquidation was, however, never exercised, and only in one instance was the business of a branch suspended, and that suspension was only temporary.

"The stockholders of each branch were liable for the debts of the branch to an amount equal to the par value of their shares, and each branch, although independent in respect to its profits, was liable for the debts of very other branch. This responsibility of the branches for the debts of the respective branches created a general vigilance which was productive of excellent results. No branch could make a wide departure from the line of prudent banking (the other branches being responsible for its debts) without being subjected to a rigid overhauling and incurring the risk of being closed. The circulating notes of the branches were obtained from the officers of the bank, and there could be no over-issue except by collusion between them and the officers of the branches, which was rendered quite impossible by checks that could not be circumvented. Dividends of the profits of the branches were declared by the directors of the bank. None were declared which had not been earned, and a part of the profits were always reserved for the purpose of creating a surplus fund. The amount of the surplus at the expiration of the charter I have already spoken of. Such were the restrictions and conservative features of the charter. On the other hand, its privileges were of the most liberal character. The branches could issue circulating notes to twice the amount of their capitals, and while they could not extend their regular discount lines beyond twice their capitals, they could use their surplus funds in dealings in foreign and domestic exchange.

"Privileges like these, notwithstanding the checks and restrictions which were imposed upon them, might have been abused, and the State

Bank of Indiana might have shared the fate of the State Bank of Illinois, which, chartered in the same year, disastrously failed in 1837, had it not been for the conservative and high moral character of the men who controlled it. None of the directors or officers of the bank or of its branches had made banking a study or had any practical knowledge of the business, and yet no serious mistakes were made by them. Cautious, prudent, upright, they obtained, step by step, the practical knowledge which enabled them to bring the transactions of the branches into close accord with the public interests, and to secure for the bank a credit coextensive with the country west of the Alleghenies, and which was never shaken. Its notes were current and of the best repute throughout the Mississippi Valley, from the Lakes to the Gulf. It suspended specie payments in 1837, as did all other banking institutions of the country except the Chemical Bank of New York, but it always furnished New York exchange to its customers at one per cent premium, for its own notes or other bankable funds. Nor was its suspension absolute, as there never was a time that it failed to supply the home demand for coin, which at that time was silver, and practically silver only. Although the double standard existed in the United States, the metallic currency of the country chiefly, and throughout the West exclusively, from the time the bank was organized in 1834 to the discovery of gold in California in 1848, was silver. The capital of the bank was paid up in Spanish and Mexican dollars, and its reserve continued to be in this coin until it was sold for gold at a premium of about three per cent on Mexican dollars and six per cent on Spanish. I had been a banker for fourteen years before I handled or saw a dollar in gold except the ten-thaler pieces which were brought into this country by German immigrants. If Professor Sumner had been a banker at any time prior to 1848, he would not have gone so wide of the mark as he did in saying in the 1885 June number of the *North American Review*, 'We do not want or need silver as a circulating medium, and shall not abandon it, because we never had it.' We did have it, and sooner or later we shall have it again, and without its being degraded. . . .

"There was never a more wholesome banking business done between banks and their customers than was done by the State Bank of Indiana and its customers through a large part of its career. It is proper for me to remark that while the ruling rate of discount on all home paper and on bills payable at the seaboard cities was six per cent, the Southern branches did charge a small commission in addition to interest on bills payable in New Orleans, where New York exchange was sometimes at a discount, sometimes at a premium. The charter of the bank for active business expired on the first day of January, 1857, but its legal exist-

ence for the winding up of its affairs continued until 1859, before which time it became certain that a considerable amount of its circulating notes, widely circulated as they had been, would be outstanding after its existence had ceased. In order, therefore, to prevent loss to note holders and to maintain the honor of the bank after its dissolution, contracts



J. F. D. LANIER

were made by the bank with responsible parties for the redemption of all notes not presented in its lifetime.

"If the history of this bank should be written it would be both interesting and instructive. It would be the history of a bank which, although established in a new State and committed to the charge of inexperienced men, through periods of speculation and depression, prosperous and unprosperous years, was so managed as largely to increase the wealth of the State and secure for itself a reputation for honorable dealings and fidelity to its engagements which placed it in the front



rank of wisely and honorably conducted banking institutions. Of its managers, my associations—some of them for nearly a quarter of a century—my recollections are of the pleasantest nature. More upright, trustworthy men could not be found anywhere. There may have been, there may be now, better bankers; but, wide as my acquaintance and observation have been, it has not been my good fortune to meet them. Merrill and Ray, the president and cashier of the bank; Lanier, Fletcher, Blanchard, Dunning, Fitch, Ball, Rathbone, Ross, Burkham, Orr, Rector, Chapin,<sup>62</sup> and others, directors of the bank and managers of the branches, were all of them men of sterling qualities and great aptitude for business. In this bank there was no betrayal of trust, and only one single instance was there of official dishonesty. \* \* \* I have dwelt at some length upon the State Bank of Indiana, because it was one of the best managed banking institutions of its day, and because there is scarcely any part of a long and busy life which I look back upon with more real satisfaction than that which was spent in its service. Of those who were prominent in connection with the bank, the only one who left it and the State to enter into business elsewhere was Mr. J. F. D. Lanier, who resigned the presidency of the branch at Madison and his directorship of the bank, to establish with Mr. Winslow, a gentleman of high financial standing, the banking house of Winslow, Lanier & Co. In this new field Mr. Lanier displayed the knowledge of men and of business which he had acquired in Indiana, and the quickness of apprehension and decision for which he had been there distinguished—qualities essential to success in a city celebrated not only for the magnitude but the celerity of its transactions; and it was not long before the house of Winslow, Lanier & Co. stood in the front rank among the great banking houses of New York. Mr. Lanier was not only a man of great financial ability, but one whose open manners, social disposition and excellent character commanded the esteem of those who became his intimates in private life.”<sup>63</sup>

Lanier was the recognized diplomat of the bank. Mention has been made of his mission to Europe in 1847 to arrange for the surrender of the internal improvement bonds, under the Butler compromise. He was also the customary agent of the Madison branch to settle balances and adjust other matters at New Orleans, where the Madison branch had extensive dealings. When the bank suspended in 1837, it was holding

<sup>62</sup> The men named were Samuel Merrill, James M. Ray, J. F. D. Lanier, Calvin Fletcher, Albert C. Blanchard, Mason C. Fitch, Cyrus Ball, G. W. Rathbone, John Ross, Elzey G. Burkham, Joseph Orr, Isaac Rector, and Horatio Chapin. “Dunning” is perhaps a misprint for Demas Deming.

<sup>63</sup> McCulloch, *Men and Measures of Half a Century*, pp. 114-123.

a million and a half of government funds, and Lanier was selected to go to Washington and adjust matters with Levi Woodbury, then Secretary of the Treasury. The suspension was a matter of policy. The bank had a million in specie in its vaults at the time, but it had twice that amount of notes in circulation and, with all the other banks in the country suspended, it was certain that its specie would be rapidly taken from the State, unless it took the same course. It made a public statement of its reasons, which was accepted by the people and approved by the legislature. Lanier took \$80,000 in specie and started for Washington, taking a steamboat to Wheeling and chartering a stage from there to Frederick, Maryland, which was then the western terminus of the Baltimore and Ohio, where he says he was "not a little relieved on reaching the safe conduct of a railroad." On reaching Washington he at once waited on Secretary Woodbury and says: "He received me with great cordiality, and said that our bank was the only one that had offered to pay any portion of its indebtedness in specie. We were allowed to retain the Government deposits till they were drawn in its regular disbursements." An indication of the impression he made is found in the fact that he was tendered the position of pension agent for several of the western states. It can hardly be doubted that the acquaintance he made on these missions was the foundation of the speedy success that followed his partnership with Richard H. Winslow, of New York, on January 1, 1849.

The internal improvements and the State Bank had been the chief features of political controversy since 1830. Noah Noble was elected Governor in 1831 chiefly on account of his advocacy of internal improvements, defeating James G. Reed, who was regarded as the Jackson candidate, by 2,791 votes, although Milton Stapp, regarded as a Clay candidate, received 4,422 votes. Noble was a younger brother of Senator James Noble, and an older brother of Lazarus Noble, who had been Receiver of the Land Office at Brookville until his death in 1826. President Adams then appointed Noah in his place and the office was removed to Indianapolis. He served acceptably in this position until removed by President Jackson in 1829. This did not appear to affect his popularity in Indiana, although Indiana was a Jackson state. He was reelected in 1834, defeating Reed again by a vote of 27,676 to 19,994. David Wallace, who succeeded as Governor in 1837, was also an advocate of internal improvements. He was born in Mifflin County, Pennsylvania, April 24, 1799. While a child his father moved to Cincinnati, where he became a friend of Gen. Harrison, who has David made a cadet at West Point. He graduated in 1821, and after serving for about a year as a lieutenant of artillery resigned, and came to Brookville, where his father had pre-

ceded him. Here he read law with Judge Miles Eggleston and became a successful practitioner. He was elected to the legislature in 1828, 1829 and 1830; and Lieutenant Governor in 1831 and 1834. He was elected Governor in 1837 as a Whig, but in 1840, on account of the internal improvement collapse, the Whigs nominated Samuel Bigger, who had not been identified with the improvement system, for that office.



GOVERNOR NOAH NOBLE  
(From portrait by Jacob Cox)

Wallace was elected to Congress from the Indianapolis district in 1841, but was defeated by Wm. J. Brown in 1843, largely because he had voted for an appropriation to Prof. Morse to test his invention of the magnetic telegraph. He served in the Constitutional Convention of 1850, and was elected Judge of the Common Pleas Court in 1856. He was holding this office at the time of his death, on September 4, 1859. Gov. Wallace issued the first Thanksgiving proclamation in Indiana. Governor

Jennings had proclaimed a day of humiliation and prayer in 1822, as heretofore mentioned; and in 1828 Governor Ray, in his message of December 1, recommended the legislature "to enquire into the practice of the three per cent Road Commissioners, of cutting down timber in the public highways, and suffering it to remain there an unreasonable time, to the public annoyance, and to provide a remedy; and to appoint a day in the ensuing year for returning thanks to the great Dispenser of universal good, for the blessings that surround us." The legislature succeeded in separating the subjects, and passed a law against obstructing roads, but did nothing for thanksgiving. On November 4, 1839, Governor Wallace made his proclamation, naming November 28 as Thanksgiving Day, and requesting its observance. He stated that he did it at the request of representatives of religious organizations. The only newspaper comment that I have found on it was by the Vincennes Sun, which published a recipe for pumpkin pies in anticipation of the event. There is a tradition, however, that some critics said it should have been a day of humiliation and fasting; but that may have been due to political bias, as the State was at the time in the agonies of the internal improvement collapse. The custom was commonly followed from that time.

It may be added here that Wallace had his return engagement with the people who voted him out of Congress for his vote on the Morse telegraph. On August 17, 1858, Indianapolis celebrated the successful laying of the Atlantic cable by a mass meeting that filled the Governor's Circle. Wallace was the speaker of the occasion. After reference to the discouragements that beset Columbus, Fulton and other leaders of thought, he said: "The inventor of the electro-magnetic telegraph forms no exception to the general rule. I recollect him well. Some sixteen years ago I had the honor of a seat in Congress as the Representative of this District. The Whig party had just achieved a great victory. They held possession of the Government. In the midst of the political strife around us two remarkable persons appeared—Espy, the 'Storm King,' and Morse, the Electrician. Each was asking for assistance. Each became the butt of ridicule, the target of merciless arrows of wit. They were voted downright bores, and the idea of giving them money was pronounced farcical. They were considered monomaniacs, and as such were laughed at, punned upon, and almost despised. One morning I entered the House of Representatives, and to my astonishment saw a gentleman rise from his seat whom I had never heard open his mouth before, unless it was to vote or address the Speaker. 'I hold in my hand,' he said, 'a resolution which I respectfully offer for the consideration of the House.' In a moment a page was at his desk, and the resolution

was transferred to the Speaker and by him delivered to the Clerk, who read: 'Resolved, that the Committee of Ways and Means be instructed to inquire into the expediency of appropriating thirty thousand dollars to enable Professor Morse to establish a line of telegraph between Washington and Baltimore.' The gentleman who offered it was Mr. Ferris, one of the Representatives from the city of New York, a man of wealth



Gov. DAVID WALLACE  
(From portrait by Jacob Cox)

and learning, but modest, retiring and diffident in his demeanor. It being merely a resolution of inquiry, it passed without opposition and, out of regard to the mover, without comment. In time it came to the Committee of Ways and Means, and when in its order it came before the Committee, a scene presented itself that I shall not soon forget. The committee was composed of five Whigs and four Democrats. The latter were Mr. Atherton of New Hampshire, John W. Jones of Virginia,

Frank Pickens of North Carolina, and Dixon H. Lewis of Alabama. On the Whig side were Millard Fillmore of New York, Jos. R. Ingersoll of Pennsylvania, Sampson Mason of Ohio, Thomas F. Marshall of Kentucky, and David Wallace of Indiana—all of whom, both Whigs and Democrats, excepting your humble servant, had, by their public services and brilliant talents, acquired a national reputation. The clerk of the Committee read the resolution. The chairman, Mr. Fillmore, in a clear, distinct voice, said: 'Gentlemen, what disposition shall be made of it?' There was a dead pause around the table. No one seemed inclined to take the initiative. I confess that, inasmuch as the mover of the resolution in the House was a Democrat, I expected the Democratic side of the Committee to stand god-father to it there. But not a bit of it. They gave it no countenance. At length Mr. Ingersoll, or Mr. Mason, I cannot now recollect which, broke the ominous silence by moving that the committee instruct the chairman to report a bill to the House, appropriating \$30,000 for the purpose named in the resolution. This, as the saying is, brought us all up standing. No speeches were made. The question was called for. The ayes and nays were taken, alphabetically, and to my astonishment, I found every Democrat voting No; Fillmore, Mason, Ingersoll and Marshall voting in the affirmative. My vote would decide the question either way. To tell the truth, I had paid no attention to the matter. Like the majority around me, I considered it a great humbug. I had not the faintest idea of the importance of my vote. But as fortune would have it, I recollected that Mr. Morse was then experimenting in the Capitol was his telegraph. He had stretched a wire from the basement story to the ante-room of the Senate Chamber, and it was in my power to satisfy myself in regard to its feasibility. I determined to try it. I asked leave to consider my vote. It was granted. I immediately stepped out of the committee-room and went to the ante-room. I found it crowded with Representatives and strangers. I requested permission to put a question to the 'madman' at the other end of the wire. It was granted immediately. I wrote the question and handed it to the telegrapher. The crowd cried 'Read! read!' In a very short time the answer was received. When written out the same cry of 'Read' came from the crowd. To my utter astonishment I found that the madman at the other end of the wire had more wit and force than the Congressman at this end. He turned the laugh upon me completely. But, as you know, we Western men are never satisfied with one fall, that never less than two out of three can force from us an acknowledgment of defeat. So I put a second question, and there came a second answer. If the first raised a laugh at my expense, the second converted that laugh into a roar and a shout. I was more than satisfied. I picked up my hat, bowed my-

self out of the crowd, and as I passed along the halls and passages of the Capitol, that shout followed me. As a matter of course I voted in the affirmative of the motion then pending before the committee, and it prevailed. The Chairman reported the bill. The House, if I mistake not, passed it *nem con.* without asking the ayes and nays. And thus concurring the Whig portion of that committee, and that Old New Yorker, played the part of Isabella toward Mr. Morse in his last struggle to demonstrate the practicability of the most amazing invention of the age, the Magnetic Telegraph! If the committee had ignored the proposition there is no telling what would have been the result. That the experiment would have been finally made, no one can entertain doubt. But when or by whom is the question. It was not within the range of individual fortune to make it, and if it was, none but Professor Morse would have hazarded it. Had he failed, it might have shared the fate of the Ocean Telegraph. Although conceived years ago, as I read in a Cincinnati paper a few days since, by the editor of the Commercial, an application was made to Congress for assistance, which was entirely disregarded, yet English sagacity seized with avidity what American supineness had neglected, and took the initiative in this magnificent enterprise, and plucked from American brows the glory of the achievement."

Samuel Bigger was born in Warren County, Ohio, March 20, 1802. Owing to his feeble health, his father, John Bigger, who was for many years a member of the Ohio legislative, decided to fit him for professional life. He graduated from the college at Athens, Ohio; read law; and in 1829 located at Liberty, Indiana, removing shortly afterward to Rushville. He was elected to the legislature in 1834 and 1835; and in 1836 was elected Circuit Judge. His election as Governor in 1840, over Tilghman G. Howard, one of the ablest Democrats in Indiana, was largely due to the Harrison craze. Harrison had carried the State in 1836, chiefly on account of Jackson's veto of the bill for the improvement of the Wabash river; and the "Tippecanoe" sentiment grew in Indiana until in 1840 it swept everything before it. Bigger defeated Howard by 8,637 votes, but Howard was the abler man of the two. He was born in South Carolina, November 14, 1797; grew up in North Carolina; and at the age of 19 went to Tennessee; where he taught school for a time, and then read law with Hugh Lawson White, one of the most eminent lawyers of his day. At twenty-seven he was elected to the Tennessee senate, where he became an intimate friend of Gen. Sam Houston, then Governor of the State. In 1828 he was put on the electoral ticket as a personal friend of Gen. Jackson. In 1830 he came to Indiana, and practiced law at Bloomington, and later at Rockville. He had successfully as partners, Gov. James Whiteomb, Judge Wm. P. Bryant, and

Gov. Joseph A. Wright. In 1832 he was appointed U. S. District Attorney, and held that position until 1839, when he was elected to Congress. In 1842 he was the Democratic candidate for U. S. Senator before the people, and his party carried the legislature. He received all of the party vote but three, and it was said that he might have had them by a promise of official appointment, which he declined to make. Possibly his



GOV. SAMUEL BIGGER  
(From portrait by Jacob Cox)

defeat was due to his pronounced stand against a high tariff and the United States Bank, on which subjects he publicly refused any compromise.

Bigger made no headway in getting out of the internal improvement tangle, which had involved the State in a debt of thirteen millions, on which it could not even pay the interest; and in 1843 he was defeated by James Whitcomb. In this election church influence was powerful



for the first time in Indiana. Bigger was a Presbyterian elder; also a bass singer, and choir leader, and a violinist of some ability. Whitecomb was an equally zealous Methodist, a class-leader, and an even better violinist than his opponent. It was charged that in some legislation concerning the establishment of Ashbury (now DePauw) University, Bigger had said that the Methodist church did not need an educated clergy; that an ignorant one was better suited to the capacity of its membership. Whether he said this or not, the Methodists of the State thought he did, and there was no little warmth between the two churches at the time over educational questions, the Methodists claiming that the Presbyterians had made a monopoly of the State University. In 1846, Bishop Ames remarked: "It was the amen corner of the Methodist church that defeated Governor Bigger, and I had a hand in the work."<sup>64</sup> There was of course more than this in the campaign. Whitecomb had written a pamphlet on the tariff question, entitled "Facts for the People," which the Democrats printed as a campaign document. There has never been a tariff argument on either side of the question that approached it in clearness and simplicity of presentation unless it was Henry George's argument. Anyone could understand it, and it had an effect long remembered. In 1882, when the question was up again, Senator Joseph E. McDonald hunted up a copy, and had it reprinted in the Indianapolis Sentinel, after which it was put in pamphlet form, and widely circulated in that campaign. Later, W. D. Bynnm had it printed in a "leave to print" Congressional speech, and gave it another wide circulation.

Whitecomb was one of the most attractive characters in Indiana public life. Of fine presence, with a notably refined face, and elegant manners, he had a brilliant mind, and a remarkable store of varied information. Born near Windsor, Vermont, December 1, 1795, he passed his youth on a farm near Cineinnati, devoting more time to reading than to work, to the despair of his father who prophesied that he would never amount to anything. But he was reading to some purpose. He fitted himself for college, entered Transylvania, supported himself by teaching while a student, read law, and in 1822 was admitted to the bar in Fayette County, Kentucky. In 1824 he located at Bloomington, Indiana, where he quickly attained standing, and in 1826 was appointed Prosecuting Attorney by Governor Ray. In 1830 and 1833 he was elected to the State senate, and made a record for opposition to the mammoth improvement bill. Notwithstanding the almost universal demand for internal improvements, he was one of nine who voted against it; and though this made him unpopular at the time, it aided materially in making him

<sup>64</sup> Woollen's Sketches, p. 80.

Governor in 1843; and he was largely instrumental in getting the State out of its dilemma, for his earnest support of the Butler compromise made that action possible. In 1836 President Jackson appointed him Commissioner of the Land Office, and finding himself confronted by



Gov. JAMES WHITCOMB

numerous land grants in French and Spanish, he at once took up the study of those languages, and qualified himself to read them. Personally he was extremely economical, the result no doubt of his youthful poverty, though he both smoked and took snuff. But this did not interfere with his always being neat and well dressed; and as Governor he gave entertainments at the old "Governor's mansion," where the Interurban Station in Indianapolis now stands, so elaborate that none of his suc-

cessors ever attempted to rival them. As Governor he was instrumental in turning the minds of the people to public charitable and correctional reform, and the State institutions had their beginnings in his administration. He also gave an impetus to the movement for a better public school system. His most unpopular act was a refusal to reappoint Judges Dewey and Sullivan, whose terms as Supreme Judges expired while he was Governor, but he justified his position on the ground that the docket was behind, and that younger men were needed to bring it up. He was himself an able lawyer. Governor Porter rated him the first in the State in his day and he had a high professional standard that must be kept in mind in judging his motives in such a case.

On May 13, 1846, the act declaring war with Mexico was approved, and President Polk issued his proclamation. When the news reached Indianapolis, a "hurry-up" mass meeting was held at the Court House, and patriotic resolutions were adopted, not only to resist invasion, but "to carry the war into the enemy's country and plant the star-spangled banner in the City of Mexico on the halls of the Montezumas." Governor Whitcomb was present and pledged prompt cooperation if the State were called upon for troops. On May 16, the Secretary of War issued his call to Indiana for three regiments of infantry, which reached Indianapolis on May 21, in the evening; and the next morning Whitcomb issued a call for volunteers. The State was in woeful condition for the emergency. The militia system had been generally abandoned for years, and there were not arms and equipment for a corporal's guard at the command of the State. No appropriation had been made for such an emergency. The Adjutant General of the State, David Reynolds, was getting a salary of \$100 a year, but, as Col. Oran Perry truly says: "He was a man of superior executive ability, dauntless in all emergencies, a tireless worker, and blessed with an abundance of common sense." Neither he nor the Governor had any military, or even militia training; but a military expert had already volunteered assistance, in the person of young Lew Wallace, who had been an enthusiastic militiaman. He was supposed to be reading law in Indianapolis, but he had already begun writing "The Fair God," and a chance to see "the halls of the Montezumas" came like a visit from a fairy godmother. Between them they got the literary part of the work under way, and reports from companies soon began coming in. On May 26 the branch of the State Bank at Madison tendered the Governor a loan of \$10,000 for war expenses, which he accepted with thanks, and sent letters to the other branches suggesting similar advances. Indianapolis and Lawrenceburgh advanced \$10,000 each, and Lafayette offered \$5,000; and so the army was financed for the time being.

As nobody was attending to recruiting in Indianapolis, Wallace



DAVID REYNOLDS  
(Adjutant General of Indiana, 1846)

rented a room on Washington street, put out a flag, and a transparencery with inscriptions, "For Mexico. Fall in"; hired a drummer and a fifer, and paraded the streets for recruits. Within three days he had a company raised, largely composed of former members of the Marion Guards, familiarly known as "The Grays," and the Marion Rifles, known as "The Arabs," two local companies of a few years earlier. The company elected James P. Drake Captain, and John McDougall First Lieutenant, making Wallace Second Lieutenant. It was taken into the First Indiana Regiment, which on June 17, started for the rendezvous at "Old Fort Clark," between Jeffersonville and New Albany. The Indiana volunteers far outnumbered the call. Two more regiments were organized later, but meanwhile two full companies went into the 16th, U. S. Infantry, three companies into the U. S. Mounted Riflemen, and one company into the 1st U. S. Dragoons, while over 300 Indianans, unable to get into regiments from their own State, went across the Ohio and joined Kentucky regiments.<sup>65</sup> Captain Drake was elected Colonel of the First Regiment; William A. Bowles Colonel of the Second; James H. Lane of the Third; W. A. Gorman of the Fourth; and James H. Lane (reenlisted) of the Fifth.

The Indiana troops went down the Mississippi in steamboats to New Orleans, and thence across the Gulf to the mouth of the Rio Grande. The First Indiana was stationed ten miles up the river, "to guard communications," and did not get away from this unsanitary location during the war—many of them never, as they died and were buried there. Lew Wallace was so indignant that when Gen. Taylor was nominated for the presidency, he, a Whig born and bred, went over to the Democrats, and remained with them until the Civil War. The chief interest of Indiana in the Mexican War is in connection with the record of the Second regiment at Buena Vista: and enough has been written about that, in various ways, to make several volumes. The material facts are unquestionable. On February 22, 1847, the day before the battle, eight companies of the Second regiment, numbering about 400 men were stationed at the extreme left of the battle line, which stretched across the valley, on the edge of the mountain, and in advance of the other troops, except that there was with them a battery of three guns, under Captain O'Brien. Col. Bowles, like many other militia and volunteer commanders elected by the men, had been chosen from popularity and not for military experience. Under his command, the regiment's experience was like nautical life on "The Snark," where "the bowsprit got mixed with the rudder

<sup>65</sup> Indiana in the Mexican War. Col. Oran Perry deserves a monument from Indiana for compiling this volume of official records, newspaper accounts, and other material, while Adjutant General of the State, and publishing it in 1908.

sometimes." About dusk somebody started a report that the enemy was advancing on them from the mountain, and in an effort to get the men into line, Bowles started them in the wrong direction, and had them hopelessly confused when it was discovered that the advancing enemy



COL. JAMES H. LANE

was a party of American troops. They men lay on their arms through the night, and in the morning were in a state of mutiny on account of the inefficiency of Bowles, as shown on the preceding day. They were finally pacified by Gen. Joe Lane, who came up, and agreed to take command himself, Bowles still officiating as Colonel. Early in the morning the Mexicans advanced in force against this position, their numbers being

estimated all the way from 3,000 to 7,000. The battle began, the firing at this point lasting for twenty-five minutes, and the Mexicans coming up within one hundred and twenty-five yards; and about ninety of the Second regiment being killed or wounded. While Gen. Lane was at the left, shifting the position of the battery, Col. Bowles gave the order to retreat on the right. The men fell into confusion, which was added to by



GOV. PARIS C. DENNING  
(From portrait by James Forbes)

the fact that Bowles ordered them to form in the ravine back of their original position, and Lane and Lt. Col. Haddon ordered them to form on the ridge back of the ravine. About 250 of them reformed at the latter place, with the Third Indiana and a Mississippi regiment, and drove back the Mexicans, fighting gallantly throughout the day, until Santa Anna withdrew. The Second regiment lost 36 killed and 68 wounded during the day; and all of it stayed in the fighting except about a dozen men, who retreated to Saltillo. The first reports of both Lane

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and Taylor were made without knowledge of Bowles' orders to retreat, and this was the cause of the unjust reflections on the Second regiment, which were the source of much mortification to the officers and men. The Court of Inquiry which investigated the charges preferred against Bowles by Lane, found that Bowles was incompetent, and that his order to retreat was not due to cowardice, but to "manifest want of capacity and judgment."<sup>60</sup> The culpability of Bowles seems to have been increased, in the view of some writers, by the fact that he belonged to the Knights of the Golden Circle during the Civil War. There is no connection between the two, except that Bowles was as incompetent as a conspirator as he was as a soldier.

After the Mexican War Indiana settled down to her former quiet existence, though with an element of reform appearing in the beginnings of charitable institutions, which will be considered elsewhere, and a renewed effort for better schools, likewise treated elsewhere. In December, 1848, Governor Whitecomb was elected to the United States Senate. He died during his term, at New York City, October 4, 1852. He was succeeded as Governor by Lieutenant Governor Paris C. Dunning, of Bloomington. Paris Chipman Dunning was born in Guilford County, N. C., March 15, 1806, the son of James and Rachel (North) Dunning. He had a good education, graduating at the academy and university at Greensboro, the county seat, at the age of seventeen. His father, died and his mother removed, first to Kentucky and then to Bloomington, Indiana. Here Paris taught school for a time, and read medicine, graduating at the medical college at Louisville. He began the practice of medicine at Rockport, but changed his mind and read law with Gov. Whitecomb at Bloomington. He was admitted to the bar in 1833, and in the same year was elected to the legislature. He was reelected in 1834 and 1835, and was then elected to the Senate for the then term of three years. After completing his term as acting Governor, he resumed practice at Bloomington. He declined a nomination for Congress, but took an active part in political matters. He was a Douglas Democrat, and was a delegate to the Charleston and Baltimore conventions, serving on the platform committees in both, and joining in the minority report which was adopted, and on which Douglas ran. In 1863 he was elected to the State Senate, and was chosen President of that body. As Governor Morton was then serving in place of Governor Lane, resigned, Dunning was again one step from the Governor's chair. Governor Dunning was married July 6, 1826, to Sarah, daughter of James Alexander. She died in 1863, and on September 27, 1865, he married Mrs. Allen D. Ashford, daughter of Dr. Daniel S. Lane. He died at Bloomington, May 9, 1884.

<sup>60</sup> Indiana in the Mexican War, p. 311.



## CHAPTER IX

### THE CONSTITUTION OF 1851

The known quantity in all historical problems is human nature; and the strongest influence in human nature is self-interest. There are, of course, many instances where men have risen above it, but where action is taken by any considerable body of men it is almost invariably the dominating factor. This does not necessarily involve any reflection on the motive. It is no disparagement to "the love of freedom" in our ancestors to say that they probably desired independence of Great Britain because they considered it advantageous to themselves, and not from any abstract devotion to a principle. If Great Britain had righted what they considered their wrongs, they would probably have been entirely satisfied. They practically said this in the Declaration of Independence. In the action of political parties this motive is constant. The makers of political platforms often declare for things that they conscientiously believe in; but no sane political leader would desire his party to espouse a cause that he believed to be unpopular with the voters. In consequence of this, there is a large element of the fictitious in the prevailing idea of the "conservatism" of the American people concerning constitutional changes. As a rule, very few of them pay any attention to constitutional questions until some constitutional provision becomes fairly intolerable. Proposals for changes usually come from the minority. The party in power naturally regards the existing condition as beneficial to itself; else why would it be in power? Hence its tendency is to oppose change to unknown fields until a demand arises that threatens its power, or which it thinks would make its tenure more stable. These principles were fully demonstrated in Indiana in the period between the constitutions of 1816 and 1851.

Demands for constitutional changes began to arise as early as 1820. The Constitution of 1816 provided for a referendum vote on a Constitutional Convention every twelfth year, or in 1828, 1840, and 1852. But referendum votes were actually taken not only in 1828 and 1840, but also in 1823, 1846 and 1849; and in addition to these, unsuccessful

efforts for a convention were made fifteen times between 1820 and 1847.<sup>1</sup> The earlier efforts were probably connected with a desire for the introduction of slavery, and were defeated on that ground, as has been mentioned, by the party in power. There were, however, other causes for desiring changes that were quite as valid in 1820 as in 1851. For example, the Constitution of 1816 made no provision concerning the granting of divorces, beyond the separation of governmental powers into executive, legislative and judicial, and providing that neither department should exercise any function of another. But the legislative department assumed this power from the beginning. In 1818 a law was passed authorizing Circuit Courts to decree divorces, but the legislature also continued to grant them, and just complaint was made of this invasion of judicial functions. But although this wrong was manifest, it was to the vast majority of the people what the courts call *damnum absque injuria*. It was an abuse in principle that affected very few persons, and usually the decisions of the legislature were as rational as the average decisions of the courts in divorce cases. The greatest evil of this, and other special and local legislation, was seen tardily, and then not fully. The best statement of it was made in 1849 by Colonel Merrill, speaking of legislation at Corydon, as follows: "Private and local acts of legislation were not so common as they have since been; yet even then, they often interfered with other important business, for it was very rare that subjects of general interest could array in their support the warm feelings which private interests frequently called forth. A State Road, or a Divorce Bill, of consequence only to a few constituents, and, by its being a bad precedent, often contributed to decide the most important measures that came before the Legislature. The question whether the Seat of Justice of Wayne County should be at Salisbury or Centreville, which was warmly contested from 1817 to 1822, elected Senators of the United States, formed new counties, and decided much of the important legislation of the State for several years. While this subject was pending, the advocates of every exciting measure would 'go round', as they said, 'and seare up the Wayne County delegation'. One of them, who most heartily disliked Divorce Bills, was occasionally induced, 'for a consideration,' to vote in their favor, though he usually contrived, before the bill was through with, either by absence on the final vote, or by changing his own vote at that time, to undo the mischief he had previously helped forward. The negligence with which private legislation was attended, and the corruption to which it led, may be illustrated by the following circumstances: About the year 1818, a husband obtained a

<sup>1</sup> Constitution Making in Indiana, Vol. 1, p. xxxv.

divorcee from his wife on an affidavit that she had been seen in bed with another man, and covered with the bed clothes. It afterwards appeared that she had been held there by violence, in order that a partial statement of the facts might be made. A few years later, a Senator submitted a petition for a divorce, on the ground that the wife had borne a colored child, and as he stated that there was no doubt of the fact, a bill granting the divorce passed without objection to its third reading. Before its final passage, however, the Senator rose and said that there was another fact not yet stated, which possibly ought to have some influence, and this was, that both husband and wife were colored persons. This, of course, put an end to the bill, as it had been prepared merely to show the absurdity of *ex parte* proceedings in private legislation."<sup>2</sup>

To the average citizen then, as now, such things as these were merely good jokes; and the "log-rolling" was an inherent weakness of republican government that has always existed, and will always exist. The representative is responsible to his constituents, and if he gets what they want there is seldom any complaint of the mode of getting it. If some unusually conscientious constituent criticizes his vote for some measure, it is usually sufficient answer to say: "That was the price that I had to pay to get support for the just measure that you wanted." The culpability then goes over from the martyr who paid the price to the person who wrongfully demanded it. This, it will be recalled, was the line of Judge Kilgore's defense of "the mammoth internal improvement bill," and it was entirely satisfactory to Whitewater. In this fact lies the justification for his claim that the people themselves were responsible for the bill. The appreciation of the absurdity of the numerous functions conferred on, or assumed by the legislature, did not grow rapidly until after the collapse of the internal improvement scheme, when the state was burdened with debt, and Governor Whitcomb was preaching economy at every opportunity. It then dawned on many that it was needlessly expensive to have one hundred and fifty men sitting as judges in a divorce case, which could be much better decided by one man. It was needlessly expensive for them to wrangle for a day or two over a corporation charter that could be issued by a clerk, under a general law, in half an hour. Moreover, with the abandonment of the state improvement idea, there came a great increase of large private corporations, for transportation and other purposes, and there were some legislators who wanted something more than the public welfare in compensation for their votes. Business interests found that this was an unduly expensive mode of incorporation, and when business interests want a change, "con-

<sup>2</sup> Chamberlain's Gazetteer, pp. 122-3.

servatism" usually melts away quite rapidly. But the movement for a new constitution was not based wholly on selfish interests. There was one demand that was wholly from considerations of public welfare, and that was the call for a better system of public schools, which was State wide. The common accounts of this school movement might lead one to suppose that it was entirely the work of Caleb Mills, but the actual facts, which will be presented in a later chapter, will show that while he was a factor in it, there were many others who were on the ground from



THE GOVERNOR'S MANSION IN THE CIRCLE  
(From an old cut)

the beginning, and whose just claim for recognition for service in this line have been sadly overlooked.

The abolition of annual sessions of the legislature had been called for ever since 1823, but the demand for biennial sessions, like that for the abolition of special and local legislation, did not appeal strongly to the legislators, who had the initiation of the process of amendment. There is a notable sameness in the make-up of the earlier legislatures of Indiana, many of the members being returned for session after session. It was obviously a pleasant duty for a citizen who enjoyed political life to go to the capital for the winter, with expenses covered, enjoy the association with all the political leaders of the State, and participate in the history-making of the occasion. Why should they favor any movement to lessen their prerogatives, or reduce expenses by cutting off their

own salaries, until public sentiment clearly demanded such changes? The interesting question is what it was that overcame this feature of "conservatism." It must have been some political consideration, and the most probable cause in the political field was the suffrage question. A distinctive foreign immigration had first begun in Indiana during the internal improvement work, when the riots of the Irish canal workers were the alternate sources of alarm and amusement to the older Hoosiers. From that time it increased more rapidly. The total foreign immigration to the United States in the twenty years from 1825 to 1845 was only a little over one million. In the next five years the immigration was as much in the preceding twenty years, due chiefly to Irish famine of 1847, and the continental revolutionary movements of 1848-9. In the next five years this was doubled. Although the Hartford Convention of 1814 had declared against aliens holding office, the nativist movement was not manifested in any practical form until the spring of 1844, when a Native American candidate was elected mayor of New York City by 4,000 majority over the Democratic candidate, the Whig party being practically out of the field. This movement, however, did not reach Indiana until some years later, and both the Whigs and the Democrats made appeals for the foreign vote, which went almost solidly to the Democrats. In 1844 the Indianapolis Journal, in giving the reasons why Henry Clay should be supported for President, said: "The honest, patient German can vote for him, for he is the advocate of their best interests, and the eulogist of their frugal habits, their peaceful quietude, and their love of liberty, law and order. The friends of Ireland can vote for him, for he has ever been the advocate of Irishmen, likening them in his fervid eloquence to his own warm-hearted Kentuckians."<sup>3</sup> In the same year the Whigs in the East voted largely with the Native party, to secure their votes for Clay, and he had four Native American electoral votes from New York, and two from Pennsylvania. This settled the party allegiance of the immigrants, but under the Indiana constitution a voter had to be a citizen of the United States, and that required five years' residence. The only way to reap this foreign harvest was to change the constitution. One of the first resolutions introduced in the Convention, after the preliminaries of organization, was by James W. Borden, one of the most active and influential Democrats: "That the committee on elective franchise inquire into the expediency of providing in the Constitution for the exercise of the right of suffrage, so that in no instance shall the exercise of that right depend upon the naturalization laws of Congress; and, also, to inquire into the propriety of allowing persons of foreign

<sup>3</sup> Journal, April 20, 1844.

birth, who shall have resided one year in this State, declared their intentions to become citizens of the United States (or denizens of this State), and taken the oath of allegiance to our own, and abjuration of all foreign governments, the privilege of voters."<sup>4</sup>

The submission of the question of a convention to the people in 1840 had resulted in an overwhelming defeat for the measure. About two-thirds as many votes were cast on this question as for the election of Governor, and the vote was 12,277 for and 61,721 against, with 14 counties not heard from, as reported by the Secretary of State at the next session of the legislature.<sup>5</sup> A majority of the total vote was against it, and Steuben was the only county with a favorable vote, and that a "faint praise" vote of 203 to 151. In this election the notices to the voters, as provided by law, notified them that they "will not have the right to vote for or against another convention for the space of twelve years." The Democratic State organ ascribed the result to "the course of the Whigs," and as the Whigs swept the State, it was at least probable that they had something to do with it. Notwithstanding this result, resolutions for a convention were introduced in the legislatures of 1841 and 1843; and in 1844 a bill for a convention reached second reading. On January 17, 1846, an act was approved for the submission of the question again. The Whig papers generally opposed the measure, chiefly on the ground that the question could be submitted only once in twelve years, under the provisions of the Constitution; while the Democratic papers generally favored it. The vote, at the August election, showed less than half the voters voting on the question, with 32,468 for and 27,123 opposed to a convention. An effort was made at the next session of the legislature to pass a bill for a convention, but it was defeated. The Whigs controlled this legislature. At the session of 1847-8, Governor Whitcomb again called attention to the unnecessary expense of the existing system, and bills for submission of the question to the people were introduced, but lost. At the session of 1848-9 Governor Whitcomb made a strong appeal for submission, and the Democratic legislature passed a bill, after it had been indorsed by the Democratic State Convention. The act was approved January 15, 1849, and when submitted at the regular election in August, 81,500 votes were given for a convention, and 57,418 against. This was a clear majority of all the voters of the State, and the legislature of 1849-50 provided for the election of 150 delegates to a convention, at the regular election. Efforts to have the election at another time were defeated. Some efforts were made, chiefly by the Whigs, to have the

<sup>4</sup> Convention Debates, p. 51.

<sup>5</sup> Senate Journal, p. 41.

election put on a non-partisan basis, but without success. The Whigs held a meeting on January 16, and adopted resolutions in favor of most of the changes that had been proposed. Their suffrage resolution was for "the extension of the suffrage to all native and naturalized citizens over the age of 21 years." On March 1, the Democratic State Central Com-



GEORGE WHITFIELD CARR  
(President Constitutional Convention)

mittee issued a circular calling for party nominations, which were made by both parties, and appeared on the tickets with the other candidates. The election resulted 33 Democrats and 17 Whigs from the senatorial districts; and 62 Democrats and 38 Whigs from the representative districts.<sup>6</sup>

The Convention met in the hall of the House of Representatives, at

<sup>6</sup> For a more detailed account of these preliminary steps, see *Constitution Making in Indiana*, Vol. 1, pp. xxiv, lxi-lxxiii.

Indianapolis, on the morning of October 7, 1850, and was called to order by the Secretary of State, Charles H. Test. The oaths of office were administered by Judge Blackford of the Supreme Court, and the Convention elected as president George W. Carr, a delegate from Lawrence County, who had been Speaker of the House for the two preceding sessions.

George Whitfield Carr was of a very conventional family. His father, Thomas Carr, was a member of the Convention of 1816, and served in the legislature afterwards. His older brother, John F. Carr, was in the House or the Senate continuously from 1835 to 1845, and was also a member of the Convention of 1850. George W. was born on his father's farm, on "Pea Ridge" near Charlestown, Indiana, October 7, 1807. He lived on the farm until he was 17, when he was apprenticed to Marmaduke Coffin, a tanner, at Salem, and worked for him for four years. In 1829, he and his brother opened a tannery on their father's farm, which was continued until 1831, when George removed to Leesville, in Lawrence County, and conducted a tannery there for ten years. Between 1839 and 1850 he was five times elected representative, and three times senator. After the Convention, Gov. Wright appointed him, with Lucian Barbour and Walter March, commissioners to revise and simplify the Code. In the Whig convention of 1852, George G. Dunn, who was an adept in ridicule, said of this commission: "March is to furnish the law, Barbour to read the version, and if Carr can understand, it will be within the comprehension of all."<sup>7</sup> This, however, was merely for Whig consumption, for Carr was a good presiding officer, and a very level-headed man. He was Receiver of the Land Office at Jeffersonville from 1852 to 1854, when the office there was abolished, after which he farmed the old Carr homestead, near Charlestown, until 1886, and then removed to Crawfordsville, where he died on May 27, 1892. He was a Jackson Democrat, later an adherent of Douglas, and after 1860 became a Republican.

The first week was consumed in organization and discussions of the printing, the employment of a stenographer, and the place of meeting. Jacob Chapman, the State Printer, was also a member of the Convention; and he claimed that the printing was covered by his contract with the State. The committee to which the matter was referred held otherwise, but he was a man of influence, and the controversy dragged on until the 18th, when it was settled by electing Austin H. Brown printer to the Convention. The hall of the House of Representatives, where the Convention met, was too small for so large an assembly, was badly ventilated, and had a leaky roof. A committee was appointed to rent the Masonic

<sup>7</sup> Woollen's Sketches, p. 245.



Hall, which had just been completed, at not more than \$100 a month. Mr. Sheets, the manager of the hall, declined the proposition, but offered the hall for \$20 a day. This roused the wrath of a number of the members, and a committee was appointed to see what the city of Madison would do in the way of accommodations. Madison promptly offered "Jenny Lind Hall"—i. e. the pork house in which Jenny Lind had sung—free of charge. This subject was considered at length, and on reflection that it would cost too much to move, the Convention decided to stay in the Representative hall, which they did until the session of the legislature was at hand, when an arrangement was made to get Masonic hall for twelve dollars a day, and on December 26 the Convention opened its session there, and continued there to its close. About two days and a half had been consumed in discussion of the extravagance of taking the hall, which discussion as estimated at the time, cost the State about \$1,500.<sup>a</sup>

The work of the Convention may be considered from the various standpoints. When it adjourned, on February 10, 1851, it had been in session 127 days. The total cost was \$88,280.39, which was not serious of itself; but at least half of the session was consumed in the discussion of politics, personal matters, and other extraneous subjects, notwithstanding repeated appeals from some of the members to confine attention to the business of the Convention. On December 21, delegate James G. Read, of Clark County, in advocating a more expeditious mode of amendment, said that if "such a provision had been contained in the present constitution, the State would not have been under the necessity of expending some eighty thousand dollars in the calling of this Convention. There were but few of its provisions that required amendment, and those amendments could have been easily made by the legislature with the approbation of the people, they having the opportunity to accept or reject the proposed amendments. • • • I think our present condition admonishes us that such a provision ought to be adopted. We have been in session eleven weeks, and are not yet able to say when our work will be completed. Indeed the end seems to be as far off now as it was at the commencement of our session. Forty or fifty members are now absent, although perhaps if they stay away altogether we shall get along just as well. I apprehend the country will not suffer much by their absence; but, sir, they come back here and move to reconsider what has been done in their absence, and we have to go over the whole ground again. This has been the case ever since the commencement. I have never known an instance where there were so many absentees in the case of any de-

<sup>a</sup> Debates, p. 1227.

liberative body."<sup>\*</sup> Nobody questioned this statement; and it did not occur to anyone that the Convention itself could have disposed of these "few of its provisions that required amendment" in thirty days, without the slightest difficulty, for there was practical agreement as to them from the start. There was never any question that the Convention would



WILLIAM SHEETS  
(From a portrait)

provide for biennial sessions of the legislature instead of annual sessions, or that it would do away with legislative divorces, elections and impeachments, or that it would abolish local legislation and associate judges, or several other things that had been complained of for years. The time of the Convention was not consumed with these matters, to any large extent; and the only objection to their action as to such matters is in the fact that they went too far in some things. It was the old story of "the swing of the pendulum."

<sup>\*</sup> Debates, p. 1259

For example, everybody was in favor of doing away with the evils of local and special legislation, and section 22, of article 4 of the constitution prohibits legislation of that kind in a long list of cases; and the next section extends the provisions to "all other cases where a general law can be made applicable," so that "all laws shall be general, and of uniform operation throughout the State." One of the expressly prohibited subjects was county and township business. Remonstrance against this was made in the Convention. The delegates from Adams, Wells, Dearborn, Ohio and Switzerland counties protested that their people had a system of county government by three trustees, which had been originally established in Dearborn County in 1825, and which the people desired to retain. John Pettit, of Tippecanoe, one of the most influential of the Democratic leaders, vehemently opposed any exceptions. He said: "Sir, we are one people from the Ohio to Lake Michigan; and we should have but one system; and I am willing rather than have any exception in regard to this matter, that the legislature should say they will pass no other laws in reference to township business, but that they would consider the law as it exists in the counties of Adams, and Wells, and Dearborn, and Ohio and Switzerland, as the law of the whole State."<sup>10</sup> This view prevailed, and it has been a source of complaint ever since, especially as to city and town government, although the provision of the constitution has been largely evaded by the system of "classification" to which the courts have resorted. In reality Pettit's position was a distortion of the real demand, which was to cut off the unnecessary expense and waste of time involved in legislative consideration of local and special matters that could better be decided by others, or disposed of under general laws; and not to establish a Procrustean bed to which every locality must fit itself. For example, if Terre Haute should desire to try the commission form of government, there is no reason why any other city should object; nor is it imaginable that the "oneness" of the people would be disturbed by varying systems of local government. On the other hand, this requirement to stay in the rut has been a formidable obstruction to progress, for no locality could go forward with local reform until the entire State was ready to move.

It is also notable that some of the ablest men in the convention spoke very seldom, and usually to prevent the Convention from adopting some absurdity. David Wallace was one of these. An accomplished orator, and easily the mental equal of any man in the Convention, his only speech of any length, and that not very long, was in opposition to Pettit's resolution to abolish grand juries. Pettit, who was both dogmatic and

<sup>10</sup> Debates, pp. 1770-1.

illogical, objected to the grand jury system on the ground that it was trying a man without giving him an opportunity for defense, and about half of the Convention adopted his logic, overlooking the fact that although the grand juries occasionally indicted men who were acquitted on trial, they much more frequently relieved persons wrongfully accused of offenses, from trial, without publicity and the expense of defense. This subject was debated at great length although no amendment of the kind had ever been proposed before this occasion. Finally William S. Holman, who occupied the floor very seldom, offered an amendment, leaving control of the matter to the legislature. This amendment was strongly supported by Thomas A. Hendricks, another member who spoke but rarely, and this course was taken by the Convention, with the result that the grand jury system is still in existence. In this connection may be noted the most vicious form of lunacy that developed in the Convention. With all the experience of the State and the country in wild-cat banking, and with fifteen years' experience of the security of the State Bank of Indiana, the Convention wanted "free banks." Jackson's fight on the United States Bank had produced a general idea that opposition to any kind of a state bank was a hall mark of true democracy. The State Bank was a monopoly; it was bringing wealth to a favored few; it did not furnish enough paper money for the community; and it preferred loaning money to farmers, on tangible security, to loaning it to anyone who asked for it, on any sort of security offered. Mr. Hendricks called the attention of the Convention to the fact that what the State was really interested in was not the kind of banks but the security of the bills issued by them, and he offered an amendment containing eight provisions to guarantee the circulation and other debts of the banks, which were adopted. The eighth provision was: "No notes or bills shall be issued as money, except upon a specie basis, which shall be paid in by the stockholders before any issues are made." The committee on revision took the liberty of changing this to a provision that "their notes shall at all times be redeemable in gold and silver"; and this was not discovered by the Convention until February 8, two days before the adjournment of the Convention. An attempt was made to have the adoption of their report reconsidered, but the free bank men were able to defeat it. Mr. Hendricks appears not to have been present on that day, but Mr. Wallace called the attention of the Convention to the fact that this gave no security for the bank bills; and so it proved in the disastrous experience of the next five years.<sup>11</sup> The legislature of 1851-2 promptly passed a free banking law which took effect on July 1, 1852,

<sup>11</sup> Debates, pp. 1501-7, 2051-6.

and which provided for the issue of paper money, countersigned by the Auditor of State, and stamped "Secured by the pledge of public stocks." The security deposited with the Auditor might consist of two-thirds United States or State stocks, with a discrimination in favor of Indiana bonds, and one-third of real estate mortgages. Indiana bonds were at a discount of over 50 per cent on the New York market, and real estate mortgages could be made to order. Within six months fifteen banks had been started, and had taken out \$800,000 of circulation, depositing \$910,000 face value of bonds. By May, 1854, there was \$9,000,000 of free bank money in circulation, when the Crimean war caused a drain of gold to Europe, and a call for specie payments in this country. The free banks did not have the specie to protect their bills, and their securities deposited with the State could not be converted into specie. Then the people realized the fallacy of securing a debt by a debt, which Hendricks had explained to the Convention. Considerable of this money is still preserved in museums and collections of curios, but it is seldom recognized as a monument to "the wisdom of our forefathers," which is so much in evidence in regulation discussions of any change of our constitution.

One of the most important changes made by the Convention was in the matter of elections and appointments. There is no room for doubt that the old "short ballot" system had become thoroughly unpopular, although there is no record of any formal effort to change it by constitutional amendment. It consumed the time of the legislature, was a prolific source of "log-rolling," and built up a political machine. The movement for the abolition of the system, which had been universal in the United States, was general throughout the country, as was manifest in the new constitutions of other states. Its strength in Indiana is evident from the Whig resolutions of 1850 for the substitution of popular elections. These would never have been adopted if public sentiment on the question had not been clear and well defined. But in this also, the pendulum swung too far in making the Supreme and Circuit judges elective. It is true that the greatest popular resentment had been raised in Indiana over the use of the appointing power had been in the appointments to the Supreme Court by Governors Ray and Whitcomb, but in both cases the complaint was of the failure to reappoint the holding judges. The plain teaching of this experience was that the fault of the old system was not in the appointing power, but in the tenure of the judges. At the present time there is a very general consensus of opinion that the best system is the appointment, of Supreme judges at least, for life, or during good behavior; and there would probably be almost a general consensus that the old Indiana system, even with its seven years' term, was a great deal

better than the elective system adopted in 1851. As to the "log-rolling," the reform adopted by the Convention was altogether commendable. This was Section 19 of Article 4, "Every act shall embrace but one subject and matter properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be embraced in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." The only objection to this is that the courts have made arbitrary and conflicting constructions of the language, with the result that cautious drawers of legislative bills often make their titles very cumbersome, and in case of amendment the titles at times become absurd. The effort has been made several times to remedy this by adopting the English practice of permitting a declaration in a bill of a brief title by which it shall be known, but this has not yet been accomplished.

Another section commendable in purpose, but short-sighted in its wording, is section 24 of the same article: "Provision may be made, by general law, for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State shall ever be passed." Why this should have been limited to future claims is not apparent, unless it was due to the pending Vincennes University claim; and if that was the cause, it left the legislature free to make the additional compensation which it afterwards gave in that case. Neither is it apparent why this section was not made obligatory. The legislature has not yet provided for all claims to be heard by the courts, and claims are constantly presented to the legislature for adjustment which could much more satisfactorily be settled by the courts. It is obvious that if the principle of separation of the powers of government is correct, as practically all Americans believe, the legislature should be divested of all judicial powers. The provision for "a uniform and equal rate of assessment and taxation" with "a just valuation for taxation of all property, both real and personal" was wise enough in the day and generation in which it was adopted, but its plain purpose to limit taxation to real and personal property has stood as an unconquerable obstacle to every effort to get actually equal taxation, by means of an income tax, or any other mode than the general property tax. The failure to provide a just and equal system of taxation has been the cause of more injustice to the people of Indiana than all other forms of misgovernment combined. Primarily this is the fault of the people themselves, because they do not insist on the enforcement of the tax laws. Demands for law enforcement are common enough, and insistent enough, but they are commonly confined

to liquor and social evil laws, and overlook the more inexcusable and more vicious violation of the tax laws.

The recognition of God in the preamble was not due to any particular reverence on the part of the delegates, but to a petition from the people of Gibson County. It occasioned considerable debate, but was finally adopted by a vote of 124 to 1, the objector being Judge Pettit who never



neglected an opportunity to air his hostility to religion. Pettit was one of Indiana's most noted freaks. He was born at Sackett's Harbor, N. Y., where his father was a shipbuilder. His parents were pious folk, and desired to educate him for the ministry, but he early developed a dislike for theology, and refused to continue his collegiate course unless the plan was abandoned, and he was allowed to study law. To this his parents reluctantly consented, but the president of the college entered on a special campaign to convert the young rebel, and finally succeeded

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in making him so angry that he ran away, and found a job as office boy with Judge Potter, of Waterloo. In 1830 he started west; stopped to teach school for a year near Troy, Ohio, and on May 12, 1831, arrived at Lafayette, with a fortune of \$3. He had a forcible, rather rough style of oratory, that took with the frontier population, and a fair share of native ability. He soon attained standing at the bar, and in 1838, was elected to the legislature. In 1839 he was appointed U. S. District Attorney for Indiana, which office he filled until 1843, when he was elected to Congress. By this time his hatred of Christianity had become an obsession, and he obtained notoriety by objecting to the appointment of a Chaplain to the House of Representatives.<sup>12</sup> But he was conceded to be honest, and his peculiar form of independence did not affect him politically. He was elected U. S. Senator in 1853, for Whiteomb's unexpired term; Judge of the Tippecanoe Circuit Court in 1855; appointed Chief Justice of Kansas Territory in 1859; elected City Attorney of Lafayette in 1861; Mayor of Lafayette in 1867; Judge of the Supreme Court in 1870. He served as Supreme Judge for six years, retiring January 1, 1877, and died June 17, 1877, at Lafayette. When he was intoxicated, which was quite usual in his later years, his flow of blasphemy and seurrility was so picturesque that it was almost entertaining.

The bill of rights, which is always relied upon as strong evidence of the wisdom of the fathers is a statement of fundamental principles that are the result of the growth of centuries, proclaimed at various times in Magna Charta, the Bill of Rights, the Declaration of Independence, and other epoch markers. They are substantially the same in all American constitutions, and there are only two points that are additional to the declaration in the Constitution of 1816, as to religious liberty. They are that no person shall be made incompetent as a witness on account of religious views, and no money shall be drawn from the treasury for the benefit of any religious or theological institution. These were included in several new constitutions adopted shortly before the Indiana Constitution, and are included in spirit, if not in letter, in the Constitution of 1816. The right of trial by jury, which was not guaranteed by the old Constitution in civil cases involving less than twenty dollars, or in criminal cases punishable by fine of not over three dollars, was extended to all civil and criminal cases. The principle of exemption of a reasonable amount of the property of a debtor from seizure for debt was asserted, which although not included in the Constitution of 1816, had been recognized in the laws, to the extent of one hundred and twenty-five dollars. A new provision of importance was that: "The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities,

<sup>12</sup> Indianapolis Journal, Jan. 1, 1847.



which, upon the same terms, shall not equally belong to all citizens." Another new provision was that no man's property should be taken without just compensation first assessed and tendered, except by the State. The exception ought to have been restricted to cases of necessity, as the State should be just, as well as compelling its citizens to be just.

The most reprehensible action of the Convention was its regulation of suffrage. There can be no question of the allegiance of Jesse D. Bright to the Democratic party, nor of his full knowledge of the policies of the Convention. Very shortly after its adjournment he said: "I am opposed to that clause in the new Constitution allowing foreigners to vote, and am sorry it is there. Both parties tried to see how far they could go to get the foreign vote. If it was left open, as the negro clause, it would be voted down by twenty thousand votes."<sup>13</sup> This expression from a Democratic United States Senator, is the more notable because his brother, Michael G. Bright, was a member of the Convention, and made the motion that five thousand copies of the Constitution, and the Address to the Electors in support of it, which had been prepared by Robert Dale Owen, and adopted by the Convention, be printed in the German language.<sup>14</sup> If there were any question as to the accuracy of his declaration it would be removed by an examination of the record. The Convention not only removed the requirement that voters should be citizens of the United States, which required five years' residence, but reduced the residence in the State from one year to six months. The only rational thing in the provision was the restriction of the right of voting to the township or precinct where the voter resided, instead of the county, as provided by the old Constitution, and which privilege had been abused by the purchasable voters flocking to the county seats, where treating was most profuse, but where they had no real interest in the local candidates for whom they voted. But the Convention made no provisions as to registration, or period of local residence, which might interfere with the voting of some newly arrived foreigner, and this was the source of many frauds later in the colonization of voters from one county in another where their votes were desired. In the debate the discussion was chiefly as to whether the Democrats or the Whigs were the true friends of the foreigner. A forcible appeal was made to self-interest on the ground that other states would get the immigration which Indiana desired, if the broadest inducements in the privileges of citizenship were not offered; and Pettit offered a salve to patriotic qualms by the statement: "Sir, these foreigners vote just as we vote. It might as well be said that we would endeavor to overthrow the institutions of the country,

<sup>13</sup> Journal, July 19, 1851.

<sup>14</sup> Debates, p. 2066.

as that they will. They vote either with the Whigs or with the Democrats. If they vote with the Democrats, there is no danger ('consent' and laughter). And I will not say that if they vote with the Whigs, there would be danger. The only effect is to swell the vote."<sup>15</sup>

But this was not the only effect. These loose provisions opened the doors for a carnival of election frauds that have disgraced the State, and from which it still suffers, notwithstanding the palliatives that have been attempted by legislation. Urgent calls for remedies were made by Governors, of all parties, almost from the inauguration of the new policy, but the evil was a disease of the blood, which could not be cured by applying salves and lotions to the skin.<sup>16</sup> In addition to that, it led all parties to bid for the foreign vote, and this logically resulted in the segregation of that vote on racial lines, and its demand for the highest political price. The Democrats held it until the Civil war, and then lost it on the slavery question. After the war they bought it back on the liquor question, and lost it again on the money question. During the two-thirds of a century since the adoption of the Constitution there has been an almost continuous effort on all sides to get "the German American vote" and "the Irish American vote" that has led to repeated outbreaks of nativism in the form of secret organizations opposed to even reasonable treatment of foreigners. Instead of the amalgamation and harmony which it was predicted would result from the policy, it has been a perpetual cause of discord, prejudice, and racial animosity. Its danger in time of war is now being forcibly impressed on the whole American people, and will no doubt lead to a correction of this folly at no distant time in Indiana. In the entire period there has been only one benefit from it, and that was not contemplated. The older Germans clung tenaciously not only to their manners and customs, but also to their language. The first concession to this sentiment was having the laws printed in German, and this was continued for years by all parties. But wherever the Germans were sufficiently numerous, they maintained separate schools, in which the instruction was in German. As they paid the same taxes for the public schools as other people, the next political move, in 1869, was to have German taught in the public schools, in order to relieve them of this self-imposed burden. The German schools were gradually discontinued; but instead of anybody learning German in the public schools the effect was to Americanize the rising generation of Germans. In years of observation, I have never found a solitary person who ever learned to read, write or speak the German language in the public schools of Indiana. It appears probable

<sup>15</sup> Debates, p. 1303.

<sup>16</sup> For detailed statement see *Constitution Making in Indiana*, pp. xcv-xcvi.

that this German instruction is doomed to go, but its effect of breaking up the separate German schools was well worth all it has cost the taxpayers.

The atmosphere of local and personal prejudice that pervaded the Convention was conspicuously displayed in the discussion of law reform. On one side learned lawyers contended vigorously for the preservation of antiquated forms, and the absurd intricacies of special pleading, on the ground of the time-tested excellences of the Common Law, as if the excellences of that system were any reason for retaining its evils. On the other side the non-professionals, mostly farmers, were determined that the law should no longer be a learned science; and, being in majority, they carried their idea to the extreme of providing that, "Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice." The efforts of lawyers who take some pride in the standing of their profession to get rid of this provision have been futile. Even some persons of ordinary intelligence meet the demand with the argument that "It is the smart lawyers that do the damage, and not the poor ones." The fact that the "damage" done by the smart ones is increased by having the poor ones to oppose them, has had no more effect on the voters than the consideration that the injury done by a poor lawyer is not to himself but to his client. There is, of course, no more reason why a person of good moral character should be held out to the public as selling a good quality of legal counsel, that he does not possess, than that a grocer of good moral character should be allowed to sell oleomargarine for butter. In reality the grocer could not possibly do so much harm to his fellow citizens as the poor lawyer. The simplification of the law was a step of progress that has been fully vindicated. The only difficulty is that the courts, by means of rules and precedents, have gradually built up a system that is almost as complicated and technical as that of the Common Law, which grew up in the same way. It was especially the intention of the Convention to abolish all fictions of the law, but some of them are still retained, and still obstruct the doing of justice. For example, the only way in which the constitutionality of a law can be tested before it is put in force, is by injunction, and to maintain an injunction suit the complainant must allege and prove some personal injury that would result. For this reason, the law for a constitutional convention, passed at the session of 1916-17, could not be tested until it was duly published, for it was not a law until that time. The plaintiff alleged a threatened injury to himself, which was sufficient under judicial rulings, although he could not in fact be injured any more than any other person who objected to the convention. By the time a decision was obtained from the

Supreme Court, a large expense had been incurred in the registration of voters, provided for by the law. The delay of the decision on the woman's suffrage law, passed at the same session, increased the trouble and the expense. Under a rational system the whole question could have been settled within thirty days after the adjournment of the legislature, and the expense of registration avoided. By a similar fiction, the appeal of Governor Marshall in his constitution case, was disposed of on the technicality that he had appealed as Governor and not as an individual who was damaged. Hence the Supreme Court of the United States would not decide whether a republican form of government in Indiana was destroyed by the Judicial Department usurping the functions of the Executive and Legislative Departments. And yet who was damaged if those Departments were not? The damage to any individual must have been purely theoretical.

The most picturesque contest in the Convention was the losing fight of Robert Dale Owen for independent property rights for married women. In fact it was so picturesque that it has left a common impression that Owen, single-handed and alone, invaded a benighted commonwealth, and wrested from its unwilling representatives the establishment of woman's present status in Indiana. As a matter of fact, the work of removing the Common Law disabilities of women had been inaugurated four years earlier, by the act of January 23, 1847, which provided: "That no real estate whereof any married woman was or may be seized, or otherwise entitled to at the time of her marriage, or which she has or may fairly acquire during her coverture, or any interest therein, shall be liable for the debts of her husband; but the same and all interest therein, and all rents and profits arising therefrom, shall be deemed and taken to be her separate property, free and clear from any and all claim or claims of the creditors or legal representatives of her husband, as fully as if she had never been married: Provided, That this law shall not be construed as to apply to debts contracted by such married woman before such marriage, but in all such cases her said property shall be first liable therefor." This act was introduced by Jonathan S. Harvey, a native Hoosier, born in Wayne County, January 16, 1817. He became a lawyer, and located in Hendricks County, from which he was several times elected to the legislature, as a Whig. He was one of the founders of the Republican party in Indiana, and a delegate from the Indianapolis congressional district to the Republican National Convention of 1856, which nominated Fremont. In 1858 he was made president of the Jeffersonville branch of the State Bank, and in 1861 was elected Treasurer of State on the Republican ticket, serving until 1863. His bill met



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with general approval in the legislature of 1846-7, and passed the House by a vote of 72 to 17, and in the Senate by a vote of 38 to 9.<sup>17</sup>

In the Convention of 1850, Mr. Owen was made chairman of the committee on rights and privileges of the people of the State. On October 19 he moved the instruction of this committee to inquire into the expediency of incorporating in the bill of rights this section: "Women hereafter married in this state shall have the right to acquire and possess property, to their sole use and disposal; and laws shall be passed, securing to them, under equitable conditions, all property, real and personal, whether owned by them before marriage, or acquired afterwards, by purchase, gift, devise or descent, and also providing for the registration of the wife's separate property." This was reported without change on October 29, with another section providing that: "Laws shall be passed securing to women now married, the right to all property hereafter to be acquired by them, in every case in which such married women, in conjunction with their husbands, shall file for record, in the recorder's office of the county in which they reside, a declaration, duly attested, expressing the desire of the parties to come under the provisions of such law." On November 13, the debate was opened by Mr. Owen with a statement of the Indiana law as it then stood. As to real estate a widow had only a life estate in her husband's lands to the extent of one-third of the rents and profits, while a widower had a life estate in all of his wife's land as tenant by courtesy. At marriage, all of the wife's personal property, except necessary wearing apparel, became the property of the husband, and all that she acquired afterwards as earnings or from other sources. He told of two scoundrels who married two sisters in Kentucky, and brought them to New Harmony. Leaving the girls at a cabin in the country, they returned to town, opened several boxes containing their bridal outfits of clothing and household goods, sold them at auction, and decamped. Proposals to follow them were stopped by information that they could not be punished, as they had only sold their own property. Referring to the law of 1847, which secured the wife her real estate, he asked: "Do we mete out fair and equal justice to rich and poor, when we enact laws to protect the land-owner in her rents, and neglect to afford similar protection to the less fortunate and wealthy? To her who owns, perhaps, but a single hundred dollars' worth of property? Or a graver injustice yet, to her who has inherited nothing but willing hands and a stout heart, and who but asks, in case a vagabond husband leave her to toil on, unaided, in fulfillment of the duties he violates and neglects, that the law will secure to her, that, to which every human being has an inherent right, the ownership of the produce of

<sup>17</sup> H. J., p. 360; S. J., p. 470.

her own labor." He read from a letter from Chancellor Kent, that he was "not insensible to the many harsh features contained in the English Common Law code relative to the relation of husband and wife"; and from a letter from Judge Story: "The present state of the Common Law, with regard to the rights of property between husband and wife, is inequitable, unjust, and ill adapted to the purposes of a refined and civilized society." He called attention to the fact that nearly half of the states, including New York, Pennsylvania, Maine, Ohio, Wisconsin, Arkansas, Florida, Alabama, Texas and California, had already made women independent owners of property, and that it was a principle of the Civil Law, which was in force in Louisiana. This was the substance of his case, and his position was logically impregnable.

But it was an assault on an established custom, and what was to be given to the wife was taken from the husband, who did the voting. It was met by the host of arguments that are always to be found for an intrenched wrong, and the debate took a range almost as broad as human life. The proposal was unjust to the husband, who was responsible for his wife's debts, contracted before or after marriage. It would destroy the unity and harmony of the marriage relation which was the special merit of Christian and Common Law marriage. The superiority of the Common Law over the Civil Law in this respect was shown by the fact that in the Common Law countries of England and the United States, woman stood higher morally, intellectually and socially than in the Civil Law countries of Europe, and Central and South America. Was it desired to bring Indiana women to the condition of those in Mexico, which had been made familiar to everybody during the recent Mexican War? The subject was not a proper one to introduce in the constitution because it was a legislative matter which the representatives of the people should be left free to act upon as their constituents might from time to time direct. There was a tendency to go to extremes. Some women were already demanding the right to vote, and others were trying to introduce dress reform in the shape of bloomer costumes. If this went on, it would soon come to pass that women would take the place of men, and men would stay at home, wash dishes, and tend to the children. There was no demand from the women of the state for this change; and if they wanted it, they would say so, and delegates would vote for it. Worst of all, it was a blow at Christianity, which enjoined woman to be submissive to her husband, who was the head of the family, and not to be put on an equality with him. This was especially the plea of Mr. Badger, the delegate from Putnam County, who offered to demonstrate that the proposal was "contrary to the genius and spirit of the Christian Scriptures" if any gentleman were willing "to assume the

negative of this proposition." Owen was willing, and a theological debate resulted.

Oliver P. Badger was born in Kentucky, January 9, 1819. His father, David Badger, a Pennsylvanian by birth, moved to Putnam County in 1833, where Oliver grew up on a farm. They were New Lights, and Oliver was a youth "of great piety and religious zeal." He began preaching at the age of nineteen and soon gained a local reputation as an expounder of the scriptures. There is no reason to question that he was thoroughly conscientious in his position. Like most of the religious people of his day, he regarded the King James version of the Bible as the inspired word of God from cover to cover, and his elaborate quotations from the Old Testament and the Pauline epistles sustained his proposition. Owen made an ingenious answer, demonstrating that there were many things in the Mosaic law which nobody would think of adopting in Indiana; and that this law had been superseded by the revelation of Christ, whose gospel was one of justice to all, culminating in the Golden Rule, as to the relations between man and man. The traditional account is that Owen's "view upon moral and religious questions were savagely attacked by Mr. Badger," and that Owen replied by quoting Leigh Hunt's poem "Abou ben Adhem," declaring that his religion was love for his fellow men.<sup>18</sup> In reality Badger made no attack on Owen, personally, at this time, except that he said that, "some gentlemen had not more faith than was necessary in sacred things," with a significant look at Owen.<sup>19</sup> Owen, who had announced his anticipation of personal attacks, jumped at the opportunity, and worked off his Abou ben Adhem answer. The set-to was rather in Owens' favor, and probably left Badger in a ruffled spirit. Possibly he may have been furnished with additional ammunition from the outside, for Owen was at the time a candidate for U. S. Senator before the legislature, and there were several echoes of that contest in the Convention. He had also been attacked by several other speakers, and on December 16 he returned to the subject with a personal assault on Owen. He produced a copy of Owen's marriage contract, and read extracts. Owen had been married in New York, in 1832, before a notary public, which was entirely legal and unobjectionable, although there were a great many people in Indiana who, while not objecting to such marriages by others, would not have felt that they were married at all if the knot were not tied by a preacher. But Owen, like other New Harmony reformers, and many others, seemed to delight in shocking the public, and at that time there were not so many shock-absorbers as at present. At his marriage the contracting parties entered into a written

<sup>18</sup> Woollen's Sketches, p. 295.

<sup>19</sup> Debates, p. 825.



contract, reciting among other things, the reasons for their style of marriage, one of which was that it did not "involve the necessity of calling in the aid of a member of the clerical profession—a profession, the credentials of which we do not recognize, and the influence of which we are led to consider injurious to society."

This, of itself, was unquestionably legitimate evidence of Owen's attitude towards religion, in the only tangible form in which it existed, and it was an attitude which Owen freely admitted on numerous occasions. He stated that he had no idea of having this contract published, but an admiring friend had published it, and made it available to anyone who wished to use it. Badger said he had other extracts from the writings of Owen, but "decency forbids their use." His reference was to a pamphlet on "birth control," which Owen had published, and which had been widely circulated in Indiana. It was undoubtedly the chief cause of the cessation of the multitudinous families that characterized the earlier years of the state; but it was no doubt as shocking to Badger, and many others, as it would be to Colonel Roosevelt today. There was probably nobody in the Convention who did not understand the reference. Badger also quoted from the marriage contract this sentence: "Of the unjust rights which, in virtue of this ceremony, an iniquitous law totally gives me over the person and property of another, I cannot legally, but I can morally, divest myself, and I hereby distinctly and emphatically declare that I consider myself, and earnestly desire to be considered by others, as utterly divested now and during the rest of my life, of any such rights." Owen thanked him for this, as showing his sincerity in regard to the pending measure, which it certainly did. Having finished with Owen, Badger made the serious mistake of assailing women who favored separate ownership, and ventured the prediction that on investigation of any woman of that class, it would be found that "she wears the breeches at home."<sup>20</sup> In reply, Owen showed Badger how "to be severe without being unparliamentary." He said that Badger might scrutinize his record as closely as he wished, if it interested him, "but, for myself I say, that if his biography, written by his worst enemy, lay before me on this desk, I would not open a page,—I would not read a line. Detraction and ribald abuse are within any man's reach. Nothing is easier than to use such weapons. The brutal bully, the disgrace of the bar-room, is an adept in their use. The difficulty—with a gentleman it is an insuperable one—the only difficulty is in resolving to use them." Others were more severe, or at least less refined, in their comments on the reverend gentleman's remarks, notably so Thomas W. Gibson, who

<sup>20</sup> Debates, p. 1161.

was especially indignant at the reflection on the women who favored the provision.<sup>21</sup>

The section had come to a vote on November 27, and was adopted by 66 to 59. On December 16, this decision was reconsidered by a vote of 76 to 40, and another debate ensued in which the speeches last above



SARAH T. BOLTON

referred to were made. Meanwhile, the women had been getting into the fight. The chief mover was Sarah T. Bolton, the poetess, whose husband, Nathaniel Bolton, a newspaper man, and a Democrat of some prominence. At this time, Mrs. Bolton was at the noon-day of her popularity. Her maiden name was Sarah Tittle Barrett, and her parents came to Indiana when she was a small child. They located first on a farm near Vernon, and later in Madison, to get better schooling for their children. Sarah mastered her studies as rapidly as she mastered housewifery. From the age of fourteen she was composing almost con-

<sup>21</sup> Debates, p. 1174-5.

tinuously. Among others, her poetry attracted the attention of Bolton, who had been associated with George Smith in editing the *Gazette*, the first paper published in Indianapolis; and they were married on October 15, 1831. They came to Indianapolis, and lived for two years on their Mt. Jackson farm, where the Central Insane Hospital is now located, after which they moved into town, where Bolton edited the *Indiana Democrat*. In 1836, on account of financial reverses, they returned to the farm, and opened a tavern, which became a great resort for the young people of the town. There were always parties at the Bolton tavern during the sessions of the General Assembly, and the Boltons did not miss any of the town functions, for Mrs. Bolton was a social favorite. Vivacious and intelligent, she won the friendship and respect of most of the prominent men of the State. She wrote poems for Democratic political occasions, and for the Masons, and was very much in evidence, on that account, in many public events. In 1851, when her husband was elected State Librarian, over John B. Dillon, two of the votes were cast for her. But for all this, she did not neglect her household duties. During the nine years that they kept the tavern, she was usually, "her own house-keeper, chamber-maid and cook, besides superintending a dairy of ten cows, caring for the milk, and making large quantities of butter and cheese for the market." Owen was a warm admirer of her genius, and she had high regard for his talent. She was also deeply interested in this reform, and did her part by "writing articles setting forth the grievances resulting from woman's status, as under the common law, and the necessity of reform; and scattering these articles through the newspapers over the State to make public opinion."<sup>22</sup>

Mrs. Bolton had an active coadjutor in Mrs. Priscilla Drake, whose husband, James P. Drake, had been Colonel of the First Indiana Regiment in the Mexican War, and who was at this time Treasurer of State. She was a social leader, and a woman of strong intellect. The two decided, after the vote adopting Owen's section, that the women of the State ought to present him a memorial, and on December 10, 1850, the following appeared in the *Indianapolis Sentinel*:

"ON BEHALF OF THE WOMEN OF INDIANA"

"Deprecating the efforts of those of our sex who desire to enter the political arena—to contend with men at the ballot box, or sit in our public councils, and demanding only protection for the property that Providence may enable us to give our daughters—protection for our

<sup>22</sup> Mrs. Bolton's letter, in *Woollen's Sketches*, p. 296.

sex against the improvidences or the vices of weak or bad men; we tender our sincere acknowledgments to the high-minded gentlemen, Delegates in the Constitutional Convention, who favored the adoption of the section securing the married women of Indiana independent rights of property; and we have determined to present to the Hon. Robert Dale Owen as the original mover a testimonial in the form of a piece of plate, with suitable inscriptions, as a slight token of our lasting gratitude.

"That the women of Indiana, generally, may have an opportunity to contribute to this most laudable object, we have limited the contributions to one dollar from each."

This bore the signatures of P. Holmes Drake, Pauline Chapman, Ann O. Morrison, Mary B. West, Mary Hammond, and Sarah T. Bolton, of Indianapolis; Alice Read, of Bloomington; Jane H. Pepper, of Rising Sun; Louisa F. Kent and Ann E. Smith, of New Albany; Mary E. Ellsworth, of Lafayette; Susan M. Huntington of Cannelton; Mary St. C. Buel and Mary F. Lane, of Lawrenceburgh; and Sophia A. Hall, of Princeton. Papers of the State were asked to copy, and subscribers were asked to send their names and addresses to James P. Drake, Treasurer of State. It will be noted, therefore, that when Badger made his observation about "wearing the breeches," these women were in print in favor of the reform. The guarded expressions of the letter show their realization that they were entering on dangerous ground. At that time, advocates of woman's suffrage and dress reform were subjects of almost universal condemnation and ridicule, and the great majority of women shrank from anything that savored of political publicity. The only Indiana woman who had ventured to champion these causes was Frances Wright, of New Harmony, and she had advocated both, with much ability. She was a personal friend of Robert Dale Owen, and the two had been associated in a journalistic venture in New York. There was need, therefore, to point out clearly the distinction between the two movements, but even with that done, there were comparatively few women who were willing to appear actively in the movement.

In 1882, Mrs. Bolton wrote: "Canvassing the city of Indianapolis to get lady signers to this circular, we got, I think, but four names—Mrs. Drake's and mine making six." But more than a hundred women responded with subscriptions, and a handsome antique silver pitcher was purchased, and duly presented to Mr. Owen on May 28, 1851. The House of Representatives was obtained for the occasion, and elaborately decorated with flowers and wreaths. Prof. W. C. Larrabee, of Asbury, made the presentation speech, and all Indianapolis turned out for the event.<sup>23</sup> On July 6, 1851, Owen wrote to Mrs. Bolton: "It must be confessed

<sup>23</sup> The speeches are in full in the *Sentinel* of May 30, May 31 and June 3, 1851.

that the whole affair has been eminently successful, and promises to leave behind it important results. To whom the credit is due of effecting these I, at least, know, if the public does not. I think it will always be a pleasant reflection to you that by dint of perseverance through many



FRANCES WRIGHT  
(In Reform Dress—divided skirt)

obstacles, you have so efficiently contributed to the good cause of the property rights of your sex."<sup>24</sup>

It is very probable, however, that the testimonial was a tactical mistake at the time. As mentioned, Owen was a candidate before the legislature then in session, and his glorification looked like a political move, which his opponents would do well to end. After the vote for reconsideration on December 16, the section was defeated on December 17 by a vote of 75 to 55. There is no apparent cause for the change of votes, and

<sup>24</sup> This letter is owned by Mrs. Chapin C. Foster, of Indianapolis.

the increased attendance, but this senatorial contest. On February 4, Owen brought the subject up again, with a section reading: "Laws shall be passed for the security of the property of married women, of widows, and of orphans" and it was adopted by a vote of 71 to 61. The opposition got to work again, and a motion to reconsider was made that same afternoon. On the next day the vote was reconsidered, and the section was defeated by a vote of 68 to 63.<sup>25</sup> So ended the fight in the Convention, but Owen came to the next legislature to continue the fight. Badger was defeated for the Senate in the same election. Owen secured the passage of the act of July 24, 1853, the first four sections of which are amendatory, and the fifth additional, securing to married women independent ownership of personal property. The first four sections were held unconstitutional by the Supreme Court, but the fifth was sustained.<sup>26</sup> The final removal of disabilities of women, in business relations, was not made until the sessions of 1879 and 1881. As to the contemporary contest between Owen and Jesse D. Bright, William Wesley Woollen, the accredited custodian of Indiana political anecdote, has the following: "In 1850 he (Bright) was a candidate for reelection to the Senate. Robert Dale Owen, who was also a candidate, openly charged him with having attempted to secure his return by bribery. Being advised of this charge a few days before the election he applied to Postmaster-General Campbell and obtained a special order to be taken to the Ohio river in the United States mail coach.<sup>27</sup> At Wheeling he took a steamer for Cincinnati, and from that city telegraphed to Madison to have an engine and car ready to convey him to Indianapolis. When he stepped ashore in the city of his home he at once boarded the car, which awaited him, and was borne to the State capital as fast as steam could propel him. Great was the wonderment among the politicians at Indianapolis when they saw him upon the streets of that city. They thought he was at Washington, and expected the election to come off in his absence. He sought Mr. Owen, and soon satisfied that gentleman that he had been misinformed about the alleged bribery. Mr. Owen thereupon withdrew from the race, and Mr. Bright was reelected without further contest."<sup>28</sup> The whole matter was aired at the time in a newspaper controversy between Owen and Dr. George B. Graff. The telegram to Bright was sent on January 3d, and he arrived in Indianapolis on the 7th. But the personal attacks, which were common in such contests, had begun before that, and on the morning of the 7th the Sentinel con-

<sup>25</sup> Debates, pp. 2011-13.

<sup>26</sup> Wilkins vs. Miller, 9 Ind., p. 100; Laws 1853, p. 55.

<sup>27</sup> At that time no railroad crossed the mountains.

<sup>28</sup> Sketches, p. 226.

tained Owen's defense of the charge of appointing relatives to office while Congressman, in which he admitted that he had favored his brother, David Dale Owen, and his brother-in-law, Robert H. Fautleroy, for scientific work, which they were the only men in the West fitted to do; and that he had recommended Gen. Joe Lane, and was proud of it. The same paper contained a long letter from Graff, charging Owen with having offered an appointment for a vote, and stating that Owen had been talking about "bribes and improper inducements." Owen neither retracted nor withdrew, but on the 9th published in the Sentinel the rather weak explanation that all he had said to Graff was this: "I had heard a report that a certain gentleman, known to be strongly opposed to Mr. Bright, had been offered by a friend of Mr. Bright's a share in a speculation, demanding no advance of money, accompanied with little risk, and promising a profit of five thousand dollars. I mentioned no names. I expressly added that I could not vouch for the truth of the report." The Democratic caucus was held on January 10, and of the 94 votes, Bright received on the first ballot 56, Owen 23, James H. Lane 1, E. M. Chamberlain 3, John Pettit 10, and one blank. Bright was notoriously dictatorial in political matters, and never forgot or forgave opposition; and it is not to be imagined that his influence with the Convention was not thrown against anything that he considered favorable to Owen.<sup>29</sup>

Another subject that attracted about as much debate as the property right of women was the status of negroes and mulattoes. The discussion was brought on first by a resolution offered by Schuyler Colfax, representing St. Joseph County, "That the committee on the elective franchise be instructed to inquire into the expediency of separately submitting the question of negro suffrage to the people." Three days earlier, Nathan B. Hawkins, of Jay County, had introduced a resolution for inquiry into the expediency of allowing the people at any time to adopt universal suffrage, without regard to race or sex, and this had been voted down without debate. Colfax urged in favor of his proposition that there was no harm in submitting the question to the people once. Other states had done so. He was opposed to negro suffrage himself, but there were five or ten thousand people in the State (the Liberty party) who favored it, and it would probably remove their objections to the constitution if they were allowed to vote on this question separately. The debate developed the fact that the only man in the Convention who was in favor of negro suffrage at all was Edward R. May of DeKalb and Steuben, and he wanted restrictions. His position was that a negro was either a man or a brute, and should be treated consistently as one or the other. He

<sup>29</sup> Mr. Hovey, in the Convention, expressly charged that it was. Debates, pp. 1156, 1159.

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said that he knew little personally about negroes, "But I say, that if the black man has not intelligence and discretion enough at the age of twenty-one, to make him worthy the exercise of the elective franchise, then extend the prescribed age to thirty-one, or forty-one, or, if need be to ninety-one. (Much laughter.) Draw the line somewhere. Let it be at the most suitable and proper age, whether it be fixed early or late in life."<sup>30</sup> May voted by himself, against the other 124 delegates who were present, on his resolution for restrictions; and the subject came up next on the proposal to exclude negroes from the State. As to this sentiment varied more widely, but a decided majority of the Convention favored exclusion. The line of majority argument was that the negroes were a separate race and could never be amalgamated nor admitted to citizenship; that the slave states were excluding free negroes from their borders and thereby driving them into the free states; that if Indiana did not protect herself she would be overrun by deerepit and worn-out negroes from Kentucky; that the free negroes ought to be sent to Africa, and colonized in Liberia, where they would be free, independent and happy. Several delegates expressed their profound sympathy with the negro, but did not want him in Indiana. Robert Dale Owen said: "They can never obtain political rights here. They can never obtain social rights here. And for these reasons, I think, we ought not to have them amongst us. We ought not to have in our midst a race, daily increasing, who must, of necessity, remain disfranchised; a class of people to be taxed, without being represented; on whom burdens are imposed, and who have no voice in deciding what these burdens shall be. That is my deliberate judgment."

There was one man in the Convention who seemed to have been awakened by the stand of Mr. May on negro suffrage, and that was Schuyler Colfax. His own remarks on suffrage were weak and apologetic, but on this subject he rose nearer to statesmanship than was done in any other speech in the convention. Beginning with a statement that those who had been charging everyone who opposed the utter social annihilation of the negro with pandering to anti-slavery sentiment, were themselves open to the charge of pandering to proslavery sentiment, he said that he did not condemn them, because they were doing what they supposed their constituents demanded. He then proceeded: "But sir. I ask gentlemen to pause one moment, to look out beyond the narrow circle of this chamber and of this State, and reflect what position we occupy before the world. Are we in South Carolina—are we sitting in this chamber as delegates of the people of South Carolina—delegates repre-

<sup>30</sup> Debates, p. 246.



senting their feelings, and making haste to fulfil their behests? No, sir, strange as it may seem, we are the delegates of the people of a Free State—of a State, at least, which claims to be free. We are the assembled Representatives of a State that has lived for thirty-four years under a Constitution, which, at its opening, at its very threshold, contains this sublime declaration: 'That the general, great, and essential principles



*Yours very truly*  
*Stephen Cooper*

of liberty and free government may be recognized and unalterably established, we declare that all men are born equally free and independent, and have certain natural, inherent, and inalienable rights; among which are the enjoying and defending life and liberty, and of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.' • • • We propose—for the committee who reported the section under consideration, expressly and purposely omitted that noble declaration—we propose, if I may be allowed the expression, to abolish

that great and undeniable truth, uttered in our present Constitution—that truth which was ushered into the world on the auspicious morning of our Nation's birth, which had for its author, Jefferson, and for its vindicators his compatriots of the Revolution. \* \* \* I appeal to gentlemen if this is in consonance with the spirit of our time—is it a step impelled by the out-gushing heart of humanity, or is it a stride backward into the darkness of past prejudices and oppression? Are we prepared to take such an attitude before the country and the world, because some of the delegates from the southern portion of the State represent it to be the desire of the majority of their people? \* \* \*

"We make professions, which seem in strong and marked contrast with a provision like this one proposed for our new constitution. We say to our constituents, to the Nation, and to the world, that we abhor the institution of human slavery. In their presence we fervently exclaim, 'would to God that slavery were abolished in the southern states, but we have no power over the institutions of a sovereign state, we cannot compel them to abolish slavery, but we would rejoice if they would themselves wipe out that blot.' And while we are professing such liberal, and, with the people of nearly the whole State, such popular sentiments, what are we doing here, what example are we setting to the people of the slaveholding states, whose peculiar institution every gentleman on this floor is ready to condemn? We are showing them, sir, by a solemn constitutional provision, that the prejudice of this free state against negroes and their descendants is greater, and embodies itself in more oppressive and unjust laws than in the slave states themselves. There the prejudice is against the condition of the negro; the dislike is not personal in character. In the South they live in constant intercourse with the blacks, they have them in their families from infancy to old age, from the cradle to the grave. They are their companions, dependent to be sure, but oftentimes trusted at home and abroad. But here in Indiana, one of the great states carved out of that North-Western territory, over which the beneficent Ordinance of 1787 was extended, we are about to abrogate what the founders of our State declared to be inherent and inalienable rights, and to declare that the black man shall be prohibited from immigrating within our limits, and from purchasing a homestead with the proceeds of his toil! A delegate of the people rises in the dignity of his place and position, and characterizes the whole class as 'vermin'; that, I regret to say, was the language of the gentleman from Monroe (William C. Foster, Sr.).

"Sir, I shall not deny that the black race of this country is debased, that as a class they are inferior to the whites, that they are poor, weak, and to some extent degraded. I admit their intellectual and social

inferiority. But I ask gentlemen who tell me all these things, who, before the judgment bar of God who created us and them, is responsible for that degradation? They are debased by the lust and avarice of the white race. \* \* \* As the gentleman from Steuben (Mr. May) said a few days since in that calm, cool, and firm utterance of his sentiments, sentiments which, so far as the extension of suffrage to them, by a constitutional provision, were concerned, he knew were opposed by every other delegate in this Convention, 'the negro is either a man or he is a brute.' The moral courage evinced in the avowal of the sentiments which he alone held, gained him honor; and although I did not concur with all his conclusions, I cannot but feel that he has deserved all the commendations I have heard from those most opposed to him, for the fearlessness which, upon that occasion, he so fully displayed. But that presentation of the case is a forcible one, 'the negro is either a man or a brute.' If a brute, let us in all respects treat him as we treat other brutes; if he is a man let us act towards him as we should act towards those who, in common with us, received life from the same Creator. If he be degraded and mentally and morally inferior, then reserve, if you will, the bestowal of the highest privileges of citizenship, such as the exercise of the elective franchise. We ask here, we expect here, no extension of their privileges, but we ask you to treat them with humanity, and not to crush them as you would vermin out of your sight. But if you will not do this, let no man on this floor speak against the cruelties inflicted on the race in the Southern States, the slave factories of the African coast, or the horrors of 'the middle passage.' Your mouths will be stopped, the utterance of your condemnation checked, for by your own solemn and deliberate acts you declare the negro a brute, by excluding him from the commonest, the humblest, privileges of human beings—the right to live and to possess the means of living purchased by the sweat of his toil.

"Mr. President, do as we may here, our action is not final. Sooner or later this case will receive a fairer hearing, and calmer consideration at the bar of public opinion. That judgment we cannot, if we would, escape. What is done here precipitately, under the influence of prejudice, will receive a searching examination there, and thence will come a condemnation of this matter as withering as it will be just. Cover over the matter as you will, with the pleas of expediency, this act will hereafter stand out in its naked deformity, unshielded even by popular prejudice, as an act of inexcusable tyranny done to a prostrate and defenseless class. Public opinion, if not right now, is ripening for an hour when we shall look back to this act with burning cheeks. \* \* \* But, sir, we are told by the gentleman from Clark (Thomas W. Gibson) and others, that the slave states are expelling the free negroes and emancipated slaves, and there-

fore we in self-defense must prohibit them from immigrating into this State and from acquiring and possessing property. The gentleman denounced in the strongest terms of his sarcastic eloquence the provision in the Kentucky constitution prohibiting an emancipated slave from remaining in the State upon pain of confinement in the state's prison, and yet, such seems the inconsistency of gentlemen in a bad cause, they ask us to engraft a similar provision in the Constitution of this free State. We have not the excuse of Kentucky; we were not born and reared in the midst of slaves, our minds accustomed to treating them as chattels and prejudiced against every assertion of their manhood. We live surrounded by the beneficent influences of freedom, and yet, forsooth, we must follow the example of slaveholding Kentucky! Sir, the argument of the gentleman is bad—two wrongs can never make one right. Let us do right, that by its superior contrast with the wrong it shall condemn that wrong.”<sup>31</sup>

But, unhappily, after steering a straight course thus far, Colfax ruined his chance of immortality as a prophet by announcing that colonization in Liberia was the solution, and “when the National Government comes forward and employs steamers to transport the free negroes to Liberia, free of expense to themselves, the work will be consummated.” He said: “When the United States thus brings the resources of a mighty nation to bear upon the colonization of Africa, the shores of that Continent which once echoed to the shrieks and groans of the captured native, and witnessed the manacled coffles driven on board the slaver, and consigned to the terrible sufferings of the passage across the ocean, will be lined with republican settlements, instead of slave factories; the slave trade will be abolished, and civilization and Christianity will illumine its dark interior. I look hopefully forward to that day. But no such measures as the one now before the Convention will aid in the realization of this hope; they are calculated rather to intensify the prejudice against the race, and put afar off the day of their deliverance and ours.” While this dream excites mild wonder today, it was the hope, and the only hope, of humane men at that time. There were few of that class, without distinction of party, who were not members of the Indiana branch of the Colonization Society. Six years earlier, Rev. B. P. Kavanaugh, of the Methodist Episcopal Church, had been welcomed to Indiana as State Agent by the Indiana organization, which had for President Judge Isaac Blackford; Treasurer, Isaac Coe; Secretary, James M. Ray; Managers, William Sheets, Samuel Merrill, and James Blake, jointly with Gov. Whitcomb, Judge Wm. Wick, John Cook and John Wilkins.<sup>32</sup> The chief mission of this society was to urge on the public what a magnificent thing

<sup>31</sup> Debates, pp. 455-7.

<sup>32</sup> Sentinel, November 8, 1845.

it would be when the negroes were all returned to Africa, and in reality, Colfax could have made no more ingenious plea than this at the time. But it had little effect. If there was anything that the average citizen understood fully, it was the slavery question. He had it for breakfast, dinner and supper 365 days in the year, and one extra in leap years. He had viewed it from every angle, and his mind was made up as to the solution, no matter how much unreasonable people might differ with him. The Convention proceeded to agree on its solution, which was as follows:

#### ARTICLE XIII—NEGROES AND MULATTOES

Section 1. No Negro or Mulatto shall come into, or settle in the State, after the adoption of this Constitution.

Sec. 2. All contracts, made with any Negro or Mulatto coming into the State contrary to the provision of the foregoing section, shall be void; and all persons who shall employ such Negro or Mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.

Sec. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed, for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such Negroes and Mulattoes and their descendants, as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

Sec. 4. The General Assembly shall pass laws to carry out the provisions of this article.

This article was submitted to the voters separately from the remainder of the Constitution, lest it should interfere with the adoption of the remainder, but it proved more popular than the Constitution itself. The vote for the adoption of the Constitution was 113,230 to 27,638, and the vote for Negro exclusion was 113,828 to 21,873. Only four of the northern counties, Elkhart, Lagrange, Randolph and Steuben, voted against exclusion, and their combined vote was 2,130 for to 3,034 against. If anyone had predicted that in ten years this barrier of words would be a dead letter, he would have been considered insane. And it was enforced for a time to an extent that perhaps its framers never contemplated. Two acts were passed by the legislature of 1851-2, to carry out the provisions of this section. One, of April 28, appropriated \$5,000 and all fines under Article 13, to the use of the Colonization Society. Of this \$3,000 was to be used in the purchase of land in Africa, and each negro, who was willing to emigrate was to be given 100 acres of this land and \$50 in money. The other law, of June 18, provided for exclusion. In

1854, a negro named Arthur Barkshire, living at Rising Sun, brought a negress named Eliza Keith from Ohio, where she had resided for years, and married her in Ohio County, Indiana. He was arrested and fined \$10. The case was appealed to the Supreme Court by Jonathan W. Gordon, on the ground that the law was not intended to apply to cases of marriage. Gordon was a picturesque character in Indiana for many years; and he



JONATHAN W. GORDON

was especially interested in all questions of personal right.<sup>33</sup> The court held that not only was marriage no defense, but that the marriage itself was void, and that the woman was also subject to prosecution for coming into the State.<sup>34</sup> Just ten years later, the Supreme Court held that the whole article was void, as in contravention of the then laws of the United States.<sup>35</sup> The words remained in the Constitution, however, until they

<sup>33</sup> A sketch of his life will be found elsewhere.

<sup>34</sup> *Barkshire vs. the State*, 7 Ind., p. 389.

<sup>35</sup> *Smith vs. Moody*, 26 Ind., p. 299.

were removed by amendment in 1881. The reformers of that year left one other relic of the negro-phobia of 1851 in the Constitution, in the restriction of the militia to "white male persons"; and it still remains there. It is noticeable, nevertheless, that there have been a number of criticisms of the negroes for slowness to volunteer in the present war, and when the next constitutional convention meets, it is probable that this absurdity will be removed also. In justice to the fathers, it should be said that the provisions adopted as to negroes were not quite so bad as some that were proposed—such as that negroes then living in the State should not be allowed to own real estate; that any coming in should be sold to the highest bidder for a term of six months, and the proceeds given to the Colonization Society; that they should not be allowed to testify against white persons. In 1853, however, a law was passed providing that, "No Indian, or person having one-eighth or more of negro blood, shall be permitted to testify as a witness in any cause in which any white person is a party in interest."<sup>36</sup> It is a somewhat singular fact that in an act passed in 1861, permitting parties to actions to testify, which became a law without the approval of the Governor it is provided that "where a negro, Indian, or person excluded on account of mixed blood is a party to a cause, his opponent shall also be excluded."<sup>37</sup> There was nothing said about negroes in connection with the public schools in either of the constitutions, or in any of the laws, until 1855, when a provision was made that negroes should not be taxed for schools, and should not participate in their benefits. This was continued until 1867, when a law was passed for apportionment of the school revenues for negro children as well as whites, and for separate schools for them.

The reform of the common school system was one of the most important things done by the Convention, but it excited little debate, and that not on the essential feature of the reform, which was a State-supported system as distinguished from a system in which the school taxes were entirely local. The movement for better public schools had been in progress for years, and the sentiment had been created among the people, as well as in the Convention, for a State system. The differences were matters of detail, which were largely disposed of in committee, or outside; and the subject did not come before the Convention for action until January 27, almost at the close of the session. The old Constitution made grandiloquent specification of the purposes for which the school funds might be used, and made it the duty of the General Assembly, "as soon as circumstances will permit, to provide by law, for a general system of education, ascending in a regular gradation, from township schools to

<sup>36</sup> Acts, 1853, p. 60.

<sup>37</sup> Acts, 1861, p. 51.

a state university, wherein tuition shall be gratis, and equally open to all." But circumstances had never permitted, and the fixed sentiment was to concentrate on something definite. Accordingly, the words "as soon as circumstances will permit" were left out, and the General Assembly was directed "to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all." In other words, the Convention meant that State support was for Common Schools only, and not for higher education. The next point was provision for a Superintendent of Public Instruction; the provision for this being introduced from the floor, as an additional section to the committee report, by John I. Morrison, the chairman of the committee. Obviously this had been defeated in committee, and Mr. Morrison carried the fight to the Convention, and won by a vote of 78 to 50. The provision was passed as he introduced it, except that, by his consent, a provision that the Superintendent should be paid "out of the income arising from the educational funds" was struck out. This proposition for a State Superintendent had been discussed before the people for several years, and was in imitation of the action of other school reform states, but the credit of "seeing it through" belongs to Mr. Morrison. Following this, the Convention voted down proposals that the voters of a school district might decide to have other than the English language taught in the school, and also a provision that each district should receive its proportion of the school revenues, whether it had a school house or not. Then came the fight on the State University, which was the chief bone of contention connected with the subject of education.

There were three factions. As heretofore recounted, the United States had granted the State a township of land for "a seminary of learning," which had originally been turned over, to Vincennes University, but, in 1816, had been taken away and given to Bloomington. One party now desired to take it away from Bloomington and devote it to the Common Schools. Another desired to take it from Bloomington, and divide its revenues among all the colleges of the State, through the medium of a State University on the New York plan, which is to make it a supervising corporation over all educational interests, without any special connection with any one institution. The third party, composed of the friends of Bloomington, of course desired to preserve the *status quo*. It is a singular fact that Caleb Mills has been commonly regarded as "the father of the Indiana school system," although in fact he belonged with the second party mentioned, and his plan was not adopted. In his first, second, and third "messages to the legislature," and in his fifth, which was addressed to the Convention, he argues at length for the New York plan. In his second message, 1847, he says: "There are five



colleges in operation, including the State institution, whose course of study is published. Four of these have been reared and sustained by as many different denominations, and are points around which are clustered the sympathies of those portions of our citizens. They are conveniently situated to accommodate their friends and patrons. The interests of sound learning suffer by the multiplicity of institutions, having the same nominal character. It may justly be questioned whether the real wants of Indiana require any increase of the number of colleges for the next thirty years. Let the Regents of the University have charge of the Literature fund, to be distributed to the academies, one in each county, as fast as they shall be established by private enterprise, and comply with the rules regulating the distribution. Let them have the power of determining whether the interests of learning require an increase of colleges, and let the legislature grant charters for such institutions only upon the recommendation of the Regents. Every college, previous to being admitted as a member of the association shall exhibit satisfactory evidence to the Regents that the corporation is a bona fide possessor of \$25,000 worth of property. Let the college buildings, grounds, library and apparatus of the Institution at Bloomington, valued probably at \$25,000 be sold to any association of citizens who will give \$12,000, and pledge themselves to sustain a college, as one of the affiliated institutions of the University." He proposed that the proceeds of the university lands, and other funds of the Bloomington institution, amounting to some \$90,000, be turned over to the Regents for the welfare of the colleges and academies.

Furthermore, in this same second message, Mills earnestly opposes the proposal for a state Superintendent of Public Instruction. He says: "Create the office, and it will require no prophet to tell us that there will be a greater crowd of ignoramuses to fill it than ever presented themselves to the Board of the State University as candidates to fill the mathematical chair. Let him be elected by popular vote, or appointed by Executive authority, or chosen by joint ballot of the Legislature, the question would be immediately asked by thousands, not is he qualified, but is he a Presbyterian? Then he will employ his official and personal influence in favor of Presbyterian colleges and Presbyterian teachers. Is he a Methodist? Then he will traverse the length and breadth of the State, extolling the character, and magnifying the superiority of Methodist institutions, in the extent and thoroughness of their course of studies. Is he a Baptist? Then his sympathies will be enlisted in favor of that denomination and its literary institutions. Does he belong to no religious denomination? Then he will not have the confidence and hearty co-operation of a large portion of the community, for however diversified

may be our religious sentiments, there is a strong and prevailing impression in society that the great principles of the Bible are inwrought in, and inseparable from the civil institutions of the land. \* \* \* A minister of public instruction should be a man of sterling worth and religious principle, else he will be destitute of an essential element of success, and an indispensable qualification for the office. Is there any hope that such a man can be obtained to labor in Indiana without awakening denominational prejudice and sectarian bigotry to such an extent as to forbid all reasonable expectations of success?" Mr. Mills then advocates county superintendents as the remedy needed, and after citing several reports from other states, says: "The perusal of them will be sufficient to convince every candid mind that the county superintendents are the only officers that can apply the appropriate remedy to the evils found to exist, to a greater or less extent, in all the common school systems of the Union. Let us retain our present arrangements, by which the Treasurer of State becomes ex-officio superintendent of common schools, and so perfect our system that he shall have the materials put into his hands for a full and able report to the legislature."<sup>28</sup> And yet, notwithstanding this record in black and white, and some other variations that might be mentioned, even Dr. Boone says of Mills: "After 1843, until the time of his death (October 17, 1879), the influence of his views may be traced in almost every important legislative act concerning education in the State."<sup>29</sup> Estimates of this character take too much of just credit from other men who aided in shaping the school system of Indiana; but that will be considered elsewhere. Our present interest is in his influence on the Convention.

Unquestionably, on January 27, 1851, the State University of Indiana passed through "the valley of the shadow of death." The Committee on Education reported a section confirming the grants that had been made to it, and James B. Foley, of Decatur, promptly moved to lay it on the table. The vote was taken without debate, and carried, 62 to 61. Judge Pettit at once offered the following additional section: "All trust funds held by the State shall be faithfully applied to the purposes for which the trust was created." He was backed by Robert Dale Owen with a brief but incisive speech reminding the delegates that the funds of the university had not come from the State, but from the United States, and for the express purpose of a "seminary of learning"; and that to apply it to any other purpose "will redound little, we may be assured, to the credit of our State throughout the United States, and the world." Thomas D. Walpole, of Hancock and Madison, saw the point, and moved

<sup>28</sup> The messages of Caleb Mills are printed in full in Vol. 3, Ind. Hist. Soc. Pubs.

<sup>29</sup> Hist. of Education in Indiana, p. 94.

to amend by adding that "nothing in this section shall be so construed as to prevent the Legislature from diverting the University Fund, with the consent of the General Government, to the use of common schools." The debate now turned on the merits of the University as it then existed, and it must be admitted that its friends did not make a very impressive showing. But there were a number of delegates who thought that the one essential remedy was a normal school, and John Davis, of Madison moved to amend the amendment by adding "or for the establishment of a normal school." William Bracken, of Rush, moved to lay the amendment, and the amendment to the amendment, on the table; and Pettit called for a division of the question. The normal school amendment was tabled by a vote of 68 to 56, and this left the advocates of appropriating the University fund to the public schools standing against the field. Their amendment was tabled, and the motion to table Pettit's new section was lost by a vote of 39 to 80. Pettit's section was then adopted by a vote of 81 to 41, and went into the Constitution. So the State University was saved, but it was saved as a trust from the general government. It is manifest that if the Convention had anticipated that it would be taken up as a State institution, and receive the State aid that it has received, it would have gone the way of the county seminaries. Those institutions were ordered to be sold, and the proceeds placed in the Common School Fund. The wisdom of the action is doubtful, but the records are too incomplete to judge accurately. Many of the seminary buildings were new, and some had not been paid for. There were 50 of them, and the total proceeds of the sales, which were strung out until 1854, amounted to only \$103,238.03. It would probably have been wiser to have turned them over for common school purposes, and fortunately that was what was done with some of them. They simply served the purpose of high schools, and the various localities where they existed replaced them with high school buildings, at a later date.

The Common School Fund, of which the proceeds of the sales of seminaries was to form a part, together with fines and forfeitures, which had theretofore gone to the seminaries, included also the Congressional Township Fund, the Saline Fund, the Bank Tax Fund, the Sinking Fund, the proceeds of escheated estates, proceeds of land grants to the State for which no specific purpose was expressed in the grant, and taxes on corporations assessed by the legislature for the benefit of the schools. These were to be held by the State as a permanent fund, and the interest distributed to the townships. At the time, over three-fourths of the total of these was in the Congressional Township Fund, which was the proceeds of the sale of section 16, in each township, as donated by Congress to the State, for school purposes. One of the great purposes of the

school reformers had been to equalize these grants, as section 16 in some townships was the best of land, while in others it was almost worthless. But the people who had the good sections objected to this, and a test case was taken to the Supreme Court in 1854, and it decided that the grant was to "the inhabitants of such township for the use of schools", and could not be taken away. In all the other states of Northwest Territory it was to the state. Consequently, this fund had to be taken out of the Common School Fund, and administered separately, the proceeds going to the townships from which they came. The Saline Fund was the proceeds of the sale of saline lands, chiefly about the French Lick, in Orange County, and amounted in 1853, to \$61,270.05. The Surplus Revenue Fund was the result of a division of surplus revenues of the United States, in 1836, which was a project of Daniel Webster. Indiana's share was over \$1,100,000, which was to be paid in four yearly installments. The legislature of 1837, in anticipation of the payments, appropriated the first two to the common schools, and the third and fourth to the purchase of stock in the State Bank. The fourth installment was never paid. The school portion, in 1853, amounted to \$552,529.22. The Bank Tax Fund was the result of a provision in the State Bank charter for reserving 12½ cents from dividends, on each share of stock not owned by the State, to be paid to the school fund in lieu of all other taxes. These four funds, which were all that were available in 1853, made a total of \$2,278,588.14. The most important factor was yet to materialize, in the Sinking Fund, or as it is called in the Constitution, "the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana." The State had taken half of the stock of the Bank, and this section provided for a sinking fund, managed by the Bank, of the profits on the State's shares, to be applied first to the payment of the interest and principal of the bonds which the State issued to make the investment, and the remainder to the school fund. The total eventual proceeds of this were \$4,255,731.87, but none of it had been realized in 1853.

This provision was incorporated in the Bank charter on the suggestion of John Beard, a native of North Carolina, who located in Montgomery County, Indiana, in 1823. He was elected to the legislature in 1827, and returned to either the House or the Senate for years afterwards, making a total legislative service of 15 years, and a record that any legislator might be proud of, for he stood for the abolition of imprisonment for debt, liberal exemption for debtors, abolition of capital punishment, internal improvements, and free education. He was the Receiver of the Land Office at Crawfordsville from 1841 to 1843, and was universally respected as a level-headed, public-spirited man, and "a walking history

of Indiana," until his death, on September 29, 1874. Gen. John Coburn stated that when he proposed the reservation in the Bank charter, "it was hardly treated seriously." Nobody thought anything would be left as a surplus; he himself doubtless did not realize its importance. But so it was, he put the net where it caught the golden fish, and we thank him for it ten thousand times; and we thank those steady, straightforward



JOHN BEARD

financiers who husbanded these funds for us.<sup>40</sup> It might be said with equal force that the delegates to the Constitutional Convention did not realize what they were doing. Certainly the opponents of the State Bank did not, if we may believe they were sincere in what they said. John Pettit, in the course of one of his wild attacks on the State Bank, said: "You tell me that the bank has made a large profit; that it has accumulated an immense sinking fund, but I ask gentlemen to point out

<sup>40</sup> Goodrich & Tuttle's Indiana, p. 394.

to me the number of banks, or shaving shops, or paper machines, or whatever else you may choose to call them, that have been established in this Union, that have ever wound up and paid out of their stock all of their liabilities. How many of your million of banks, that ever did run out, and divide out their stocks as it was put in and redeem their bills? You cannot find one out of five hundred that have ever wound up solvent, nor will you find one in five thousand hereafter. They cannot do it. I will not say that it is the business of this convention or of the present legislature to withdraw from the State Bank the capital stock, the saline fund, or the college fund, or the loan fund, or the school fund, all of which have been deposited there, and I trust, for the benefit of the rising generation, that that too will not be absorbed; but I will not say that I have not my misgivings on the subject, for I do expect when seven years more shall come around and the State shall say 'pay me back the money I deposited here as capital stock—the millions of specie which I deposited,' that the bank officer will say first and foremost 'Oh, you withdrew your patronage from the bank, and we have to stop; our paper was out largely and it took all the specie to redeem our bills. Now here is an old banking-house or two and a few protested or slow notes; you may have these in place of your specie.' 'Oh, then,' says the State officer, 'give me back the college fund.' To which the bank replies 'That is all gone, too. And you cannot much regret that for the college is an aristocratic institution which ought to be leveled to the ground.' 'Well, then,' says your officer, 'if that is gone, do give me the saline fund.' And he receives for an answer, 'Oh, that is a matter of no consequence, there is plenty of salt coming from the Kanawha and the lakes. There is no necessity for salt.' (Laughter.) Then last of all, staring and wild, with anxiety in his countenance, he says, 'For God's sake give me the little pittance that belongs to the rising generation, the money that belongs to the boys and girls; give us that they may learn to read and write, and know their rights and learn the history of your wrongs and oppressions.' And they will answer you, 'No, we have sunk that fund on purpose that we might keep them in ignorance, that they might not know how we have wronged them.'"<sup>41</sup> There is absolutely no reason to doubt that Pettit believed what he was saying, and that many others believed the same thing.

The most serious unanticipated feature of the article of the Constitution on education was the construction the Supreme Court put on it. The friends of education, having the Constitution satisfactorily constructed, secured from the legislature the school law of 1852 to carry its

<sup>41</sup> Debates, p. 1456.

provisions into effect; and a state school tax of ten cents on one hundred dollars. This was the same amount that had been levied by the law of 1849, and indeed the tax section was copied from that law, except that as Prof. Larrabee says, the engrossing clerk omitted the provision for a poll tax of 25 cents, which left the State revenues some \$40,000 less than they would have been under the old law. It also reenacted the provision of the law of 1849 that the townships might vote a tax for buildings, apparatus, etc., "and for continuing their schools after public funds have been expended," but raised the limit of this local tax from 15 cents on \$100 to 50 cents and a 50-cent poll tax. In the spring of 1853 Greencastle Township, Putnam County, voted a tax of 15 cents and 25 cents poll for common schools, and Alexander Black brought suit to enjoin its collection, and on December 12, 1854, the Supreme Court held the local tax unconstitutional. The opinion was written by Judge Alvin P. Hovey, who had been appointed in May, 1854, to fill a vacancy caused by the resignation of Judge Addison L. Roache, and who was replaced after the October election by Samuel Gookins. In the decision on the petition for rehearing in this case, Judge William Z. Stuart says: "Judge Hovey, who delivered the opinion of the Court on that occasion being no longer on the bench, it is not improper to say that his position as a distinguished member of the Constitutional Convention justly imparted great weight to his opinions on questions of constitutional construction." This introduces the personal equation. Alvin Peterson Hovey was born at Mt. Vernon, Indiana, September 6, 1821. His parents, Abiel Hovey and Frances (Peterson) Hovey, both natives of Vermont, who had located on a farm in Posey County in 1818. The father died in 1823, and the mother in 1836. Young Alvin found various employments, finally becoming a mason. Then he began reading law at night in the office of Judge John Pitcher, and was admitted to the bar in 1843. He attained celebrity by ousting the executors of William Maclure, of New Harmony, and becoming administrator of the large estate of that eccentric philanthropist. He was elected to the Constitutional Convention of 1850, and served as Circuit Judge from 1851 to 1854. He was the youngest man who had served on the Supreme bench at the time of his appointment. In 1856 he was appointed U. S. District Attorney by President Pierce, but was removed by President Buchanan on account of his allegiance to Stephen A. Douglas. He was a "war Democrat," and at Lincoln's first call for troops began organizing a company. He was made Colonel of the First Regiment of the Indiana Legion, and later of the Twenty-fourth Indiana Infantry; was with Grant on the Vicksburg campaign, and was made Brigadier General for gallantry at Shiloh. At Champion's Hill his

brigade bore the brunt of the battle, and lost one-third of its numbers in killed and wounded. In July, 1864, Grant, who had a high regard for him, made him Major General, and directed him to raise ten thousand men, which Hovey did. He asked for enlistments of unmarried men only, and this command, known as "Hovey's Babies," did effective service on Sherman's march to the sea. Later, in 1864, he was made military commander of Indiana, on account of the supposed danger from the "Sons of Liberty." From 1865 to 1870 he was Minister to Peru, after which he resumed the practice of law at Mt. Vernon. He refused the Republican nomination for Governor in 1872, but was elected to Congress in 1886, and in the same year was elected Governor of Indiana. He died at Indianapolis, November 23, 1891. He was somewhat eccentric. His intimates said that he believed he was a reincarnation of Napoleon Bonaparte, and that he used to retire to solitary contemplation on the anniversary of the death of the great Corsican. He had something of Napoleon's self-will; but it was currently believed that this impression of his was erroneous.

Hovey's opinion is of historical interest as showing how he and those who agreed with him arrived at their idea of what the Constitution meant, for it is very certain that different members of the Convention understood the provision differently. Referring to the school law of 1849, he says: "No county was to be bound by its provisions until it was assented to by a majority of its popular vote. Several counties in the State never assented to the act. Besides these, many local laws were enacted for the management of schools in different counties and townships throughout the State, dissimilar in many respects to each other, and to the general law. These laws gave the officers having control of the system the management of the school funds, the right to rent and sell school lands, and in some instances to levy taxes for the support of schools. Under their operation large sums of money were wasted, and some of the most valuable lands in the State sacrificed, without producing any perceptible results. Every step in legislation seemed to involve the system in greater expense and difficulty, until inefficiency, confusion and waste seemed to be the legitimate offspring of our legislation on that subject." Such was the condition when the Convention provided for "a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all," and also provided that there should be no local or special laws "providing for supporting common schools, and for the preservation of school funds." He continued: "Placed in this condition, the State occupied the position of a parent to her children, whose duty it is to see that all are equally provided with the means of education. For the purpose of supplying such means,



the Constitution authorizes her not only to use the funds heretofore set apart for that purpose, but to compel the elder brothers of the same family, by 'a uniform and equal rate of assessment and taxation' to aid her in carrying out the scheme; and as the diffusion of knowledge and learning is regarded by the Constitution as 'essential to the preservation of free governments,' it would seem but just that those who enjoy such a government should equally assist in contributing to its preservation.



COLONEL ALVIN P. HOVEY, TWENTY-FOURTH INFANTRY

The inhabitants of one county or township should not be compelled to bear greater burdens than are borne by all." If local taxation were allowed, some townships might provide for schools "for six, nine, or twelve months; so that there would really exist no uniformity either as to the time the schools should be kept, or as to taxes to be paid by the inhabitants of the respective townships." Not only would there be inequality, but local officers would have full control of the local funds, and "should the legislature pass a law for the assessment of a mere nominal tax (a supposition not remote from possibility) the whole school system would be left at the mercy of a popular vote of the different townships, and thus all the evils of the old system which were intended to be avoided by the

new constitution—inequality in education, inequality of taxation, lack of uniformity in schools, and a shrinking from legislative responsibilities, would be the inevitable result." Of course the Court regretted if any delay or inconvenience should result, but it was its duty to decide what the law is, and it was the province of the legislature to make the laws conform to the constitution.

The decision raised a storm of protest and criticism of the court from the friends of education, who saw the prize for which they had struggled for more than fifteen years thus snatched from their grasp. A petition for rehearing was filed, and earnestly argued. Hovey was off the bench, but the majority of the Court, in a labored opinion by Judge William Z. Stuart, adhered to the original decision. He admitted that inconvenience would result, but "men who reason on such questions not from principles, but results, are but poorly fitted to solve constitutional difficulties." Judges must not be intimidated or overawed by criticism. He argued that the Common Law rules of statutory construction necessitated the decision; portrayed the horrors that would result from local taxes, and concluded, "and the courts are upbraided in high places, for upholding the constitution and the public faith against such pernicious policy." Petition for rehearing overruled.<sup>42</sup> The effect on the schools was paralyzing. Dr. Boone sums it up thus: "As a result, the school term was shortened to two and a half months. Many schools were altogether closed. Three thousand teachers received for their services an average of \$21.42 per month, or \$54.41 for the year's salary. Real teachers were driven into other occupations, or opened private schools. The education of the rural districts was at a discount. 'A three months' school,' said Superintendent Mills in 1855, 'followed by a nine months' recess, is so near an approximation to nothing in its practical results that it seems better fitted to illustrate perpetual motion in the pursuit of knowledge than prove itself a wise and efficient means of obtaining it.'<sup>43</sup> Superintendent Larrabee said: "If the legislature will pass and the people will sustain a law levying a tax of sufficient amount to support the schools from eight to ten months each year, we can educate the people under the present system. If not, we had better change the constitution as speedily as possible, and go back to the system of 1849, or some other system, that will leave the people to manage their school affairs in their own way." But he doubted that either the people or the legislature would consent to a State tax sufficiently large to cover the entire tuition charge of the State. That plan is of course feasible in the abstract. The Spartans went far beyond it in their system of

<sup>42</sup> *Greencastle Township vs. Black*, 5 Ind., p. 557.

<sup>43</sup> *Hist. of Education in Indiana*, p. 156.

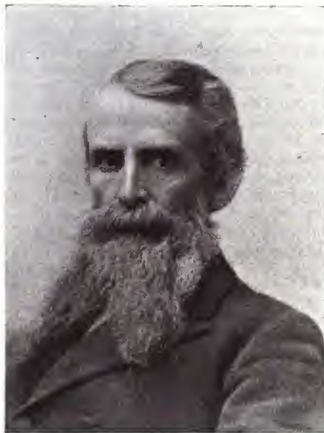
state education. But it can hardly be imagined as practicable in the United States, as it involves a very complete surrender of local self-government; and there is no point where government touches the citizen more closely than in the education of his children.

The legislature of 1855 did not undertake a system of complete State support. The chief demand for better schools came naturally from the cities and towns; and a law was passed making them school districts, and authorizing them to levy taxes for the support of public schools, independent of, but not interfering with the common schools. Many of the cities and town proceeded to reestablish their schools under this law, among them the city of Lafayette, and William M. Jenners of that city brought suit to enjoin the collection of the tax. Judge John Pettit, then on the bench in Tippecanoe County, granted the injunction, and the City appealed. The Supreme Court sustained the injunction, saying, in the opinion, by Judge Perkins that the case was the same in principle as the previous township case, which it unquestionably was. He reasserted broadly the former position of Judge Hovey, saying: "It is evidently the intention of the framers of the Constitution to place the common school system under the direct control and supervision of the State, and make it a quasi department of the State government." Again a petition for rehearing was made, argued, and overruled.<sup>44</sup> All efforts to get a change in the Constitution failed, but public opinion changed, and in 1867 a law allowing local school taxes was passed, and has since been enforced, although it is not distinguishable in principle from the laws of 1852 and 1855. The two decisions above described, remained without being formally overruled until 1885, when the question was again presented to the Supreme Court on an appeal from Switzerland County. The Court then, in an elaborate opinion by Judge Byron K. Elliott, expressly overruled both of the early decisions, and declared that they had been "long since overruled" in principle. The Court then said: "There is not a word in the entire article of the Constitution that, directly or indirectly, prohibits the Legislature from making use of these agencies of government in the administration of local school affairs"; and this is certainly interesting in connection with the plea of the Court in the earlier cases that it was their duty to enforce the Constitution without regard to clamor or criticism. Here you have two constructions of the same provisions of the Constitution, by the highest court of the State, diametrically opposite, and unless it is assumed that the members of the Court, at one time or the other, were either imbecile or dishonest, you are forced to the conclusion that the Constitution was so faultily written as to give legitimate basis for two conflicting constructions. The historical

<sup>44</sup> *City of Lafayette vs. Jenners*, 10 Ind., p. 70.

interest lies in the problem of finding some rational explanation of the facts.

As to the Courts, the natural presumption would be that the earlier judges were more in touch with the purpose of the Convention, as they were not only contemporaneous with it, but Judge Hovey and Judge



JUDGE B. K. ELLIOTT

Pettit were prominent members of it. On the other hand, neither of them took any part in the debate on the school sections, and the debate did not involve this question, but was confined to other features, the chief of which was the disposition of the State University, as above noted. It is manifest that the prohibition of local and special legislation "providing for supporting common schools, and for the preservation of school funds," which is made so prominent in Judge Hovey's argument, has nothing to do with the case. No stretch of language could make the school laws of 1852 and 1855, or the tax sections of those laws, either

local or special. They apply equally to all parts of the State. The only room for difference of construction of the words is in the meaning given to the word "uniform." The Constitution of 1816 provided: "It shall be the duty of the General Assembly, as soon as circumstances will permit, to provide, by law, for a general system of education, ascending in a regular gradation, from township schools to a state university, wherein tuition shall be gratis, and equally open to all." The Constitution of 1851 made it the duty of the General Assembly "to provide by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all." The latter provision, as reported by the committee on education, also included the words "as soon as circumstances will permit"; and in moving to strike these words out, Col. James R. M. Bryant, of the committee, said: "I will say that this clause was inserted inadvertently by the committee. It was not intended to retain any thing more of the first section of the present Constitution, than those parts of it that were applicable to our system. We certainly did not intend to insert anything that would have the effect of preventing or postponing the establishment of free schools."<sup>45</sup> Here is a frank confession that the committee did not give careful scrutiny to the words of the section. There were only two other changes in these words. The substitution of "without charge" for "gratis" was no doubt due to the objection of Edward R. May, who was a member of the committee, to the use of Latin words, as to which he addressed the Convention at length.<sup>46</sup> The other was the addition of the words "and uniform." Presumably the object of this was to do away with the various systems that had grown up in the various counties through the agency of local and special laws, and wholly independent officials. The only reference to it in the debates was by John I. Morrison, the chairman of the committee on education. He was a school teacher, and one of the best in the State. In the discussion of the provision for a Superintendent of Public Instruction, which he had introduced, he said: "Every gentleman must be aware that our common school system has not answered the purpose for which it was devised. The truth is we have no uniform system. In one county a particular course of instruction is pursued; and in an adjoining county the course is altogether different. If we wish to have a system that will be general, uniform, and efficient, we must have an officer whose special business it will be to direct, control, and guide that system."<sup>47</sup> Obviously what he meant here by a uniform system of schools, was one in which the instruc-

<sup>45</sup> Debates, p. 1858.

<sup>46</sup> Debates, p. 1383.

<sup>47</sup> Debates, p. 1861.

tion was similar, and not one in which the schools were conducted for the same number of days, or with the same number of pupils, or by teachers with equal salaries.

Twenty-seven years later, Mr. Morrison wrote an article on the provisions of the Constitution as to education, in which he gave "a little of its inside and unpublished history, as it was moulded by the Committee



JOHN I. MORRISON

on Education." In this he says: "The standing Committee on Education, selected by the president chiefly on account of their well-known sentiments in favor of free schools and liberal education, was announced in the following order: Messrs. Morrison, of Washington; Bryant, May, Hitt, Foster, Stevenson, Nofsinger, Milligan, and Blythe. This committee went to work immediately, elected Col. James R. M. Bryant, of Warren, secretary, and resolved to hold stated meetings weekly, daily, when necessary; to compare views, collect information, and take action upon all subjects of special reference by the convention. Without ex-

aggregation it may be added that every member was fully impressed with a deep sense of the heavy responsibility that rested upon him, and long and earnest were the conflicts, before the general principles were settled, which should be embodied in the final report of the committee. Indeed, the first section of the article, which in the main was copied from the old constitution, gave rise to many warm and exciting discussions. A close comparison, however, will reveal differences vitally important to the success and efficiency of the whole scheme. By the new constitution, a general and uniform system of common schools is established, wherein tuition shall be without charge and equally open to all. Under the old constitution all was chaos and uncertainty; and the legislature was authorized to act "as soon as circumstances will permit." By the new, every provision is mandatory. The system cannot remain inert, it must be in active operation; it must have motion; it must move everywhere and at all times; and it must be uniform. While every word in this first section was submitted to the severest scrutiny, there was none that was canvassed with more care and diligence than the word "uniform." One member of the committee contended with great zeal and pertinacity, that "equitable" was the proper word; but a wiser and better judgment preponderated, and this term was allowed to stand.

"The second section, which particularizes what the principal of the Common School Fund shall consist of, was adopted in committee after much labor and painstaking, especially the clause which makes the fund to be derived from the sale of county seminaries and the fines assessed for breaches of the penal laws of the state, and all forfeitures that may accrue, a part of the principal of the common school fund. It was earnestly contended that all moneys arising from such sources should be regarded as so much annual income, and be applied as fast as it accrued to defray the current expenses of tuition. But a majority of the committee would entertain no proposition which did not contemplate a constant addition to the principal of the fund—an ever swelling tide—to such an extent as would, within a limited time, produce an income amply sufficient, without any supplement from taxation, to educate every child, of suitable age, in the state. This point being settled, the way was opened for the adoption of the third section without much debate with the exception of a little sharp criticism of the redundancy of the phrase 'to no other purpose whatever,' in the second clause, which reads as follows: 'and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purpose whatever.' Although the retention of this phrase was said to be in deference to the wishes of the chairman, yet, in the light of experience, its necessity has been fully vindicated; and it is believed that no true friend of common schools can

be found, at the present day, so hypercritical as to extract, if he could, that clincher from the constitution.

"The sixth section, which held the several counties liable for so much of the fund as may be entrusted to them, and for the payment of the annual interest thereon, met with very formidable opposition, when first suggested in the committee; but when it was shown that this section was an exact copy of the law already upon the statute books, all opposition was withdrawn. This section has done its full share in preserving the integrity of the principal, and securing the payment in full of all the accruing interest. For the seventh section which makes all trust funds remain inviolate, the state is indebted to the late Hon. John Pettit,—not a member of the committee, but one of the ablest delegates of the Convention. For the eighth section which provides for the election of a State Superintendent of Public Instruction, the chairman of the committee must alone be held responsible. By a majority vote in committee this section was stricken out from the final report. The potent argument used to defeat the measure, was the creation of an additional State officer, and the consequent expense of maintaining such an office. The news of the decision of the committee in rejecting the section was received with very great alarm by its friends on the floor of the convention. It was regarded as a fatal blow against the State's undertaking to educate the children of the State. Without a sentinel to guard the public funds from pillage and misappropriation, as well as a head to guide the general system and mould it into proper form, it was believed that the whole system would soon become a wreck; as certainly as the richly laden vessel, when deprived of a captain, to keep its reckoning and control its helm. In the midst of general despondency, the chairman, having found a few sympathizing friends who proffered their support, determined to submit the rejection to the tender mercies of the Convention. To his great relief, after a somewhat stormy debate, the additional section was adopted, and was ordered to be engrossed by a vote of 78 to 50. To satisfy any regrets that the term of office was not made four years in stead of two, it may suffice to add that the aid referred to was promised on the express condition that the term of office should be limited to two years."<sup>48</sup>

This statement as to the adoption of the word "uniform" opens a new field. What is an "equitable school system"? And in what relation to a school system could the word "equitable" be used to make it practically synonymous with "uniform"? In the contemporary discussion of the schools, I have found the word used but once, and that by Royal

<sup>48</sup> Indiana School Journal, 1878, p. 435.



Mayhew, in 1846, he being then Treasurer of State, and *ex officio* Superintendent of Common Schools. In his report for that year, he refers to the distribution of the local taxes to the school districts, by the Township trustees, the taxes being then collected on a township basis only, as presenting many abuses. He says: "Instances are not wanting where the most populous district of a township, in which resided all the Township Trustees, or an acting majority, has received all the funds due the township for several years in succession." And further, "Most of the complaints which have come to this office in reference to the distribution of funds, have been on this point, and I have been compelled to notice, in the most instances, that a strong equitable claim seemed to be presented in favor of the deprived district." The obvious equitable system was to divide the funds in proportion to the number of children of school age in each district. With this abuse in mind, and with the added facts that now, for the first time, they were preparing for a State tax for tuition, and were putting all of the school funds under control of the State for distribution of the interest—even attempting to include the Congressional Township fund, for the purpose of "equalization"—it is evident that the member who insisted on the word "equitable" was referring to the distribution of the funds, and that the Committee was satisfied that in this sense the meaning was covered by "uniform." And this system of distribution was adopted in the school law of 1852, and has been used ever since. To this idea of each child receiving equal benefit from the State's funds for tuition, Hovey evidently added, by a natural process of enlargement, the idea "and no benefit from any other fund for tuition."

The weakest point in the argument of the early decisions was that the Court made no pretense of giving the same construction to the same words elsewhere in the constitution. The prohibition of local and special laws reads: "In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State." This is even stronger language than the other, for the "operation" must be uniform. One of the specifications is "county and township business," but the Court did not hold this to mean that counties must pay equal amounts for their court houses, or townships pay equal amounts for roads and bridges. The Constitution required the legislature to provide by law for "a uniform and equal rate of taxation"; but the Court did not hold that the rate of taxation must be the same in all places. Why, then, did the Court adopt this construction in this case? In the later case of *Robinson vs. Schenk*, the Court says: "It is impossible to logically maintain that a system which confers upon all localities alike the

power of governing and maintaining schools is not a general and uniform system. Where there is no discrimination made in favor of one subdivision or against others, there is neither want of uniformity nor is the system any other than a general one. • • • It is difficult, if not impossible, to perceive the shadow of a reason for characterizing the system as wanting in uniformity or generality." If this statement be accepted, there must have been some outside cause for the earlier decisions.

It was charged at the time that they were for political purposes, and there is some color of basis for the charge. The legislature of 1853 had passed a local option liquor law, and the Supreme Court had held it unconstitutional, on the ground that the legislature could not delegate its authority to the people in such a way that a law could have one effect in one locality, and a different effect in another. This was charged to have been done in the interest of the liquor business, and as a concession to the Germans, who were practically unanimous against any interference with their personal rights. In the spring of 1854, the Democratic State Convention declared against prohibition, and against political organizations based on temperance. The Supreme Court was Democratic, and to maintain an appearance of consistency they had to stand against local option in other things, including taxes for schools. But there was a more plausible reason. In the elections of that year, the "Peoples Party," composed of free-soil Democrats, anti-slavery Whigs, Know-nothings and Temperance men, carried the State and elected a majority of both houses of the legislature, in the October election. The first school decision was handed down two months later. One of the commonest kinds of political finesse is making trouble for the opposition, without regard to its effect on the public. The first school decision was an express declaration that it was the duty of this newly elected legislature to levy a State school tax large enough to maintain all the schools in the State, and thereby make "the elder brothers" pay for the tuition in the poorer parts of the State. On failure to do this, the new legislature was charged with intent to ruin the schools. Of course the newspapers of the new party bombarded the Supreme Court, and they were ably aided by the teachers of the State, without regard to party. After the second decision, the criticism centered on Judge Perkins, who wrote the opinion, and who was also held responsible for the overthrow of the prohibition liquor law of 1855. Perkins was somewhat sensitive—in the expressive phrase of the agricultural frontier, "He couldn't stand the gad"—and he broke into print with a letter to the editor of the Richmond Jeffersonian, which was republished in the Indianapolis Sentinel. The School Journal published it in its issue for May, 1857, with the statement that

it "is certainly worthy the attention of teachers, and we therefore give all whom it may concern, Judge Perkins especially, the benefit of our circulation." It is as follows:

"Indianapolis, April 27, 1857.

"Dear Jeff.

"I see by the last number of our School Journal that Mr. Hurty, of your city, has been appointed agent of the State Teachers' Association in place of E. P. Cole, late of this city. The change is unimportant, as both of the men seem to be self-important, rabid, Kansas-screeching Abolitionists. Such appears to be Hurty's character, as given in the Richmond papers—such, I infer, to be Cole's, from his flings at the South in the School Journal—a publication, unworthy from its partisan bearings, of the patronage of the people of the State. The truth is the success of our attempt to establish free schools in this State is likely to be endangered by the efforts of the Abolitionists to convert them to partisan purposes. The teachers of our children are mostly picked up by that old-school Abolitionist, Slade, of Vermont, and shipped out here, from that great cesspool of treason, free-soilism, Abolitionism, Atheism, and a Kansas-screeching, adulterous clergy—New England—the section that voted for Aaron Burr and Fremont, and against the country in the war of 1812; while the Republicans here manoeuvre to get them employed in the schools, and secretly stimulate them to teach their *isms* in school, and insult those children of Democrats who will not swallow them. There are, I wish to say, some good and patriotic men and women in New England, but Slade don't ship them out here." <sup>49</sup>

By way of explanation, it may be stated that Josiah Hurty, father of Dr. John N. Hurty, our efficient State health agent, was a school teacher and an active and aggressive advocate of free schools. E. P. Cole had been principal of the first Indianapolis high school, which was held in the old Marion County Seminary building, on University Square, from 1853. He remained in this position until the second school decision broke up the Indianapolis schools in 1858; when he was called to the office of Superintendent of Schools at Minneapolis. He was a New England man, but was not "shipped out by Slade," and he was a very efficient school official. Gov. William Slade was a well educated man, of both legal and literary accomplishments, who represented Vermont in Congress from 1830 to 1842, after which he was appointed Reporter of the Supreme Court of that State, and elected Governor for two terms, in 1844 and 1845. Later, he was for fifteen years secretary of "The

<sup>49</sup> Ind. School Journal, Vol. 2, p. 149.

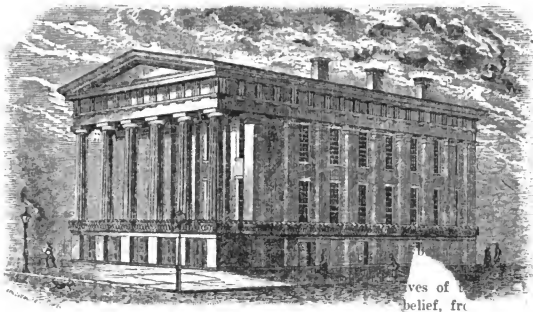
National Board of Popular Education," an organization which prepared and sent to the West and Northwest some 500 women teachers, part of whom came to Indiana. Slade was a strong anti-slavery man, and on December 20, 1837, made a speech in Congress on a petition for the abolition of slavery in the District of Columbia, which roused the special wrath of the South, and made him noted throughout the country. There is no known evidence that the young women sent to Indiana were instrumental in overthrowing the political prejudices of the State, and in fact they were cordially welcomed. The popular sentiment was fairly expressed by Prof. Daniel Read, in an address on education to the legislature, on December 30, 1851, in which he said: "Is the question asked, where are we to obtain our teachers of common schools? Governor Slade, I suppose, will send us well qualified Yankee girls. Well, we are glad to receive them—some of our young men, especially our bachelors and widowers. We are glad to receive them upon any terms, whether as teachers or as wives; or first as teachers and then as wives. The more that can be sent, or come of their own accord, the better. We have a broad land. It is our State policy to invite and encourage immigration to our borders. With this view, we allow men coming among us that most sacred privilege of citizenship, the right of voting, after a residence among us of but six months. True, we exclude colored population; but to the fair, and especially if very fair, coming in whatever capacity, and from whatever quarter, we proffer rights and privileges dearer far than the right of voting and that, too, it may be, in a much shorter time than even six months."

There is no way of determining definitely the motives of the Supreme Court in the early decisions, but my personal belief, from acquaintance with the man, is that Hovey was perfectly honest in his expressed opinion, and that in reality the minds of the delegates to the Convention never met on this subject. Among the friends of free schools, the almost universal idea was that the State should furnish tuition for a three months' school, and that idea was repeatedly expressed in discussions of the subject outside of the Convention, as well as being what the laws of 1852 and 1855 aimed to provide. But none of them had any idea of limiting it to three months by cutting off local support. Caleb Mills was elected Superintendent of Public Instruction in 1854, and in his first report, of January 19, 1855, he discusses the decisions—the one holding that the townships must furnish everything but tuition, and the other holding that the State alone must furnish tuition—as if the idea were novel to him. His evident purpose was to make the best of the situation, and, with proper regard for his official position, he does not blame the Supreme Court, but the people who brought the suits. He says that

"these questions are now settled, to the satisfaction at least of those who raised them," and that "it is exceedingly important that our educational progress should not hereafter be again interrupted by the interposition of any more such legal questions as have stopped the erection of our school houses, closed our schools, arrested the education of our youth, and sent our children with tears and sadness to their homes." As to the decisions themselves, he says: "There is no hazard in the assertion that the idea of the State, in her sovereign capacity, pledging herself to furnish not only the funds for tuition, but the means to provide buildings and books, fuel and furniture, never entered the minds of the framers of the Constitution. They entertained no such transcendental scheme; they contemplated no such Utopian mission for our educational funds; they anticipated no such centralization of power, nor would they tolerate such greedy partners of the educational patrimony of our youth. If this view be correct, then we can see very clearly the reason and correctness of this decision of the Supreme Court. The legislature is compelled by this decree to meet the responsibility of providing the requisite funds by taxation. They cannot divide the responsibility with the townships. That feature of the law authorizing township taxation for the purpose of raising means for tuition is not only unconstitutional on the ground of a want of uniformity but is exceedingly inequitable and oppressive. On the assumption that the expense of a six months' school would require a levy of a three mills tax (on one dollar) on the property of the State, then it is evident that if the avails of a one mill tax are furnished by the State the balance must be provided by the townships, or the requisitions of the Constitution are not met. Experience has shown that townships of equal population will often differ in wealth more than one hundred per cent. On the basis of such a difference of valuation but an equality of population, we shall have an inequality of an hundred per cent. in taxation for a specific object, for which the Constitution requires the State to make uniform provision. • • • The Constitution requires uniformity in other departments as well as in education. • • • If this view be correct, the decision is rather a matter of rejoicing than regret." On this basis he urged the legislature to levy a tax sufficient for universal six months' school, which he said was all that could be asked of the State. But if Mills had held such views as these before the adoption of the Constitution, he would certainly have made some expression of them; and the readiness with which he adopted them is guaranty of their seeming feasibility. It is easy enough to see how a man like Hovey, who showed no special interest in the school reform, might have got his idea from the general demand for the abolition of local and special legislation, and the common talk about "State-supported schools." Of course it

is possible that he may have been put forward by the rest of the Court to render the decision, on account of his known views.

The Convention practically ended its labors on Saturday, February 8, but adjourned to Monday morning at 6 o'clock. At that time a few formal resolutions were adopted, the completed Constitution was read, and the Chairman delivered his farewell address. The only roll call showed 79 members present, but a note states that "Messrs. Ristine, Biddle and Hogan were in the city, but unable to attend by reason of severe indisposition." The rest of the members had presumably gone



FIRST MASONIC TEMPLE, BUILT 1848-50

(Where Constitutional Convention closed)

home. Before adjourning, the Convention ordered 50,000 copies of the Constitution printed in English, and 5,000 in German, together with the Address to the People. In accordance with the recommendation of the Convention, the legislature ordered the Constitution submitted to the voters at the August election, the question of negro exclusion being submitted separately. There was no organized opposition to its adoption, and the general satisfaction of the people with the instrument is shown by the vote of 113,230 for adoption to 27,638 against. It is notable that although eighteen counties had voted against a convention, only one voted against the Constitution. This was Ohio, where the vote was 315 to 438; but there were some of the other southern counties where the vote was close, as in Ripley 1,059 to 941, Switzerland 966 to 942, and

Vanderburgh 655 to 628. On the other hand, the vote against the Constitution in some of the northern counties was remarkably light, the opposition being only 6 votes in Benton, 12 in Blackford, 10 in Jasper, 8 in Lake, 18 in Marshall, 2 in Porter, 6 in Pulaski, and none in Starke. On September 3, 1851, Governor Wright issued his proclamation certifying the vote for the Constitution, and for Article 13 (negro exclusion), and reciting: "I do, therefore, by virtue of the authority vested in me, declare and make known that the New Constitution is adopted by the good people of this State, as the Constitution of the State of Indiana; and that the said thirteenth article is declared to be a part of said New Constitution—the whole to take effect and be in force on and after the first day of November, A. D. 1851." The existing officials continued in office until replaced after the election of 1852, but took an oath to support the new Constitution. And so it went into effect without making a ripple on the surface, but the people are not yet assured as to what all of its provisions mean.

## CHAPTER X

### DRIFTING INTO WAR

The decade from 1850 to 1860 belongs with the history of the Civil War, as the period in which the war feeling developed. There had been an abundance of more or less angry squabbling between the North and the South before that time, and even some threats of secession, but the recurrent causes of friction had been removed by compromises, and each time the nation dropped back into a comparatively pacific state until some new point of controversy stirred up the feeling of antagonism again. The Mexican War had a unifying influence, with soldiers from all parts of the country fighting side by side against a foreign enemy. In the Oregon question, the sentiment of "Fifty-four Forty or Fight" had come to an inglorious but sensible end by a compromise on parallel 49 as the boundary; and the discovery of gold in California soon diverted attention from it altogether. In the campaign of 1848, the Democrats deprecated any further agitation of the slavery question, and the Whigs ignored it entirely, and nominated General Taylor on his Mexican War record. Taylor ignored the slavery question as completely in his speeches as the party did in its platform, and both the Whigs and the Democrats devoted much of the campaign to abuse and ridicule of the Free Soilers, who had appeared as a new party, with Martin Van Buren as their candidate. The election was eloquent of the suppression of the slavery question as a national issue. Taylor's popular vote was 1,360,099; that of Governor Cass, the Democratic nominee was 1,220,544; while Van Buren received only 291,263; but Van Buren's vote was so located that it formed the balance of power in a half-dozen northern states. In the South, Van Buren's total popular vote was 80 in Delaware, 125 in Maryland, and 9 in Virginia. Taylor, a Louisiana slave holder, carried all of New England except Maine and New Hampshire, while Cass carried all of the old Northwest Territory and Iowa. Of the southern states, Cass carried Virginia, South Carolina, Alabama, Mississippi, Texas, Arkansas and Missouri. South Carolina had not yet adopted the popular vote for electors, and the vote of that state was cast by the legis-



lature. Massachusetts required a majority vote in elections, and there being no majority vote in that state, its legislature also voted for Taylor along with the legislature of South Carolina.

On its face, the election in Indiana was very like that in the other northern states, but there were some local characteristics. Gen. Taylor, when a captain, in 1812, had successfully defended Fort Harrison, which was long remembered in the State, but he had reflected severely and unjustly on the Second Indiana regiment at Buena Vista, and that was a fresh and open sore. It was made worse by the fact that Taylor's report was largely based on the report to him of Col. Jefferson Davis, later of the Southern Confederacy, who commanded the Mississippi regiment which came to the relief of the Indiana troops at Buena Vista. Davis was a son-in-law of Taylor. There is a tradition at Vincennes that the courtship of Davis and Sarah Knox Taylor began at Vincennes—a tradition confirmed by the preservation of the boulder on which they were wont to sit in those blissful days,<sup>1</sup> but the biographers of Davis omit any mention of his ever being at Vincennes. He graduated at West Point in 1828, and reported for service at Jefferson Barracks, St. Louis. Soon after he was sent to Prairie du Chien, to assist in rebuilding Fort Crawford. Col. Taylor was put in command of Fort Crawford in 1832, and Lieutenant Davis became engaged to his daughter, but, owing to a quarrel with Taylor, was refused consent to marry her. After waiting until 1835 for the old gentleman to cool off, Miss Taylor informed him that she was going to marry Davis without his consent, which she did, at Louisville, at the residence of her aunt. They went to Mississippi, where Mrs. Davis died a few months later, on September 15, 1835. As the old fort at Vincennes was torn down in 1816, and there were no U. S. troops stationed there afterwards, it would appear to have been some other Davis who sat on the romantic boulder. But, to return to the election of 1848, the First Indiana regiment also had a grievance against Taylor, for being kept on the Rio Grande during the war, and this made Lew Wallace abandon the party of his father, and himself, and take the stump for Cass. How many others went with him is unknown, but Cass carried Indiana by 4,538 plurality, and Van Buren had 8,100 votes in the State. This large Free Soil vote in Indiana was not the only indication of the popular sentiment on slavery. The Democrats carried the legislature, and a senator was to be elected. There were four candidates for the office, Gov. Whitcomb, Robert Dale Owen, Senator Ned Hannegan, and E. M. Chamberlain. A caucus was held by 82 of the 87 Democratic

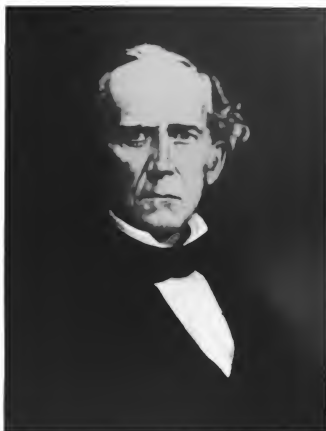
<sup>1</sup> Greene's Vincennes and Knox County, p. 319.

members of the legislature, which called the candidates before it, and submitted to them the following questions:

1. "Has Congress the constitutional power to exclude slavery from the territories so long as they remain territories?
2. If such power exists, are you in favor of so excluding slavery?
3. If elected, will you abide by the instructions of the General Assembly?
4. Will you go into caucus and abide by the result?

All of the candidates answered all of the questions in the affirmative; and the most important phase of the slavery question at that time, was the question of slavery in the territories. It was soon to come to the front in far more exciting forms than it had yet taken, and to understand future sentiment in Indiana, it must be remembered that the sentiment shown in this Democratic caucus was at this time the general sentiment of the State, without regard to party. It may seem strange that the Constitutional Convention of 1850, dominated also by Democrats, and holding these same views on the national slavery question, should have adopted such harsh measures for the exclusion of negroes from Indiana, but that, like the exclusion of slavery from the territories, was for the benefit of the whites, and not of the negroes. The compromise measures of 1850 aroused no material resentment in Indiana at the time. The admission of Oregon and California as free states, and the abolition of the slave trade in the District of Columbia more than offset the "extension of the constitution and laws of the United States" to New Mexico, and the reinforcement of the Fugitive Slave Law, at least before the enforcement of the latter began. The appearance of "Uncle Tom's Cabin" late in 1851 had little effect beyond increasing the general dislike of slavery, for some months. At the election of 1852 the Democrats swept the country, and Indiana went with the crowd. The election was held in October, as provided by the new constitution, for State officers. Gov. Joseph A. Wright was renominated by the Democrats, and as none of the Whig leaders desired to take the nomination, they persuaded Nicholas McCarty, a prominent Indianapolis merchant, to make the race. McCarty was a native of Virginia, born September 26, 1795. Left an orphan when a child, he found employment in a mercantile establishment, and gradually worked his way up, at Pittsburg and at Newark, Ohio, until he came to Indianapolis, in 1823. Here he achieved success. He established the first large mercantile house in the city, and had several branch houses at other points. He did not seek political life, but was called on several times by his party. He served as Commissioner of the Canal Fund; made a losing race for Congress in 1847; and was elected to the State Senate in 1850. He accepted the nomination for Governor only

on the most earnest solicitation of Whig leaders and made a very good candidate. He was no match for Wright as a debater, but he was a good talker, with a fund of catchy stories, and he probably ran better than anyone else the Whigs could have nominated. Gov. Wright was born at Washington, Penn., April 17, 1810. When a boy his parents removed to Bloomington, Indiana; and as they were poor, he made his way



GOV. JOSEPH ALBERT WRIGHT

through college by serving as janitor—earning money to buy books and clothing by working in a brick yard. He then read law with Judge Hester, was admitted to practice in 1829, and opened a law office at Rockville. In 1833 he was elected a representative; in 1840 a senator; in 1843 a congressman; in 1849 Governor. His later life was prominent, but as a Republican. He was a Douglas Democrat, and left his party at the outbreak of the Civil War. He had been appointed Minister to Prussia in 1857, and served his full term of four years. In 1861 he

was appointed to the Senate by Gov. Morton, to fill the unexpired term of Jesse D. Bright, who had been expelled. In 1863 President Lincoln appointed him Commissioner to the Hamburg Exposition, and in 1865 President Johnson appointed him Minister to Prussia again. He held this office at his death in Berlin, March 11, 1867.

Governor Wright always made a point of showing courtesies to visitors to the city, and in consequence is mentioned at some length by those who wrote books about their travels. Mme. Theresa Pulszky, who was at Indianapolis with Kossuth's party, in 1852, says: "Governor Wright is a type of the Hoosiers, and justly proud to be one of them. \* \* \* The Governor is plain, cordial and practical, like a farmer, with a deep religious tinge. Yesterday we went with him to the Methodist church, and I saw that Methodism is the form of Protestantism that best suits the people of the West. \* \* \* After dinner the Governor went with Mr. Pulszky to visit the Sunday schools, which he very often attends. \* \* \* Mr. Pulszky had to make a speech in each of the schools, and Governor Wright addressed them also, explaining to them that religion was the basis of social order, and instruction the only way to preserve freedom. He illustrated the obligation to submit to the law of the country by several happy examples from recent events in America. Such constant and personal intercourse between the Chief Magistrate of the State and the people he governs is really patriarchal, and is in harmony with the intellectual standard of an agricultural population." Mme. Pulszky also attended a "levee" at the "Governor's mansion," which was a two-story brick house, standing where the Traction Terminal Station now stands, with its front on Market Street. She says: "We went to the house of the Governor; it is small, and I soon perceived why it is not so comfortable as it could be. In thronged the society and people of Indianapolis, ladies and gentlemen of every description. Muddy boots and torn clothes, and again desperate attempts at finery; glass jewels and French silk dresses, which, after having found no purchasers in New York, have been sent to the West. Some of the mothers had their babies in their arms; workmen appeared in their blouses or dusty coats, just as they came from the workshop; farmers stepped in high boots. Once more we saw that the house of the Governor is the property of the people. And yet this incongruous mass did not behave unbecomingly to a drawing-room. There was no rude elbowing, no unpleasant noise, or, disturbing laughter. Had they but shaken hands less violently! I yet feel Western cordiality in my stiff arm."<sup>2</sup>

That there was some similarity in the Governor's entertainment of

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<sup>2</sup> White, Red, Black, Vol. 2, pp. 6-13.

visitors may be seen from the account of Hon. Amelia M. Murray, who arrived in Indianapolis on Saturday, May 19, 1855, and soon received a call from the Governor at her hotel. On Sunday, she recorded: "The Governor came early and took me to his house. At half-past ten o'clock we went to the Episcopal church, where the duty was admirably done by a Mr. Talbott (later the Bishop), originally from Kentucky, who preached a sermon, good in matter as in manner. Dinner was at one o'clock, and at two I accompanied the Governor to visit two large Sunday schools, belonging to different denominations. \* \* \* The Sunday is kept at Indianapolis with Presbyterian strictness. No trains start, letters do not go, nor are they received, so that a father, mother, husband, or wife, may be in extremity, and have no means of communicating their farewells or last wishes if Sunday intervenes." On Monday morning at four o'clock the Governor took her for a walk, and in the afternoon drove with her and Justice McLean, of the U. S. Supreme Court, who was holding court in the city, to visit the Blind Asylum and the Deaf and Dumb Asylum. On Wednesday morning she went with him to market, and in the evening attended a "levee" at the Governor's—strange that this word, originally designating the assemblage of courtiers who came to see the King of France get out of bed and put on his clothes, should have come to mean an evening party in the United States. She says of it: "This evening the Governor had what is now in the States universally called a levee after the same fashion as the President's receptions. Governors of individual States occasionally open their doors to all the citizens who choose to attend, and it is considered a compliment to stranger guests, like the Governor of Kentucky and myself, that the attendance should be good; so the rooms were filled. The Governor and his lady do not receive their visitors, but we all went into the room after they had assembled. No refreshments are expected on these occasions, but everyone shakes hands upon being introduced. The assemblage was very respectable and orderly; it concluded about eleven o'clock, having begun at nine." The Hon. Amelia summed up her impressions thus: "I have heard much of Democracy and Equality since I came to the United States, and I have seen more evidences of Aristocracy and Despotism than it has been before my fortune to meet with. The 'Know-nothings', and the 'Abolitionists', and the 'Mormonites', are, in my opinion, consequent upon the mammonite, extravagant pretensions and habits which are really fashionable among Pseudo-Republicans. \* \* \* Now at Indianapolis I have found something like consistency for the first time since I came this side the Atlantic. \* \* \* Governor Wright did not think it a degradation to carry a basket when I accompanied

him into the market this morning, and his whole demeanor is that of a consistent Republican."<sup>3</sup>

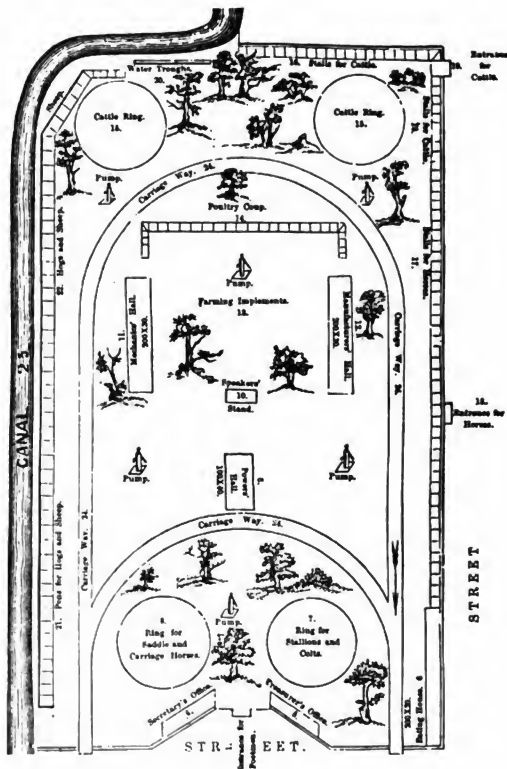
In reality, going to market was a rather fashionable thing in Indianapolis, for improved agriculture was a fashionable topic, and accomplished gentlemen and ladies were expected to know something about choice fruits and vegetables. The State Board of Agriculture had been chartered in 1851, and organized with Governor Wright as President, John B. Dillon as Secretary, and Royal Mayhew as Treasurer. The first State Fair was held in what is now Military Park, October 19-25, 1852, and was considered a great success, which it certainly was in side-shows, if in nothing else. Governor Wright gave a great deal of attention to improved agriculture, even in his political speeches, and his political opponents, as he had never been a farmer, retaliated with various forms of ridicule, one of their stories being that he had advised farmers to buy hydraulic rams to improve their breeds of sheep.<sup>4</sup> This jest was an invention of Jesse D. Bright, who used to give a fetching imitation of this alleged speech of the Governor's. It may also be mentioned that although no refreshments were served at the levee attended by Miss Murray, it was his custom, in season, to have a table loaded with red apples, to which the guests helped themselves in cafeteria style. Such was the quiet, rather primitive life of Indiana on the surface, in the fifties, but beneath the surface, forces were working that brought this peaceful life to an end, not only in Indiana, but throughout the Union.

On April 22, 1820, after the adoption of the Missouri Compromise, Thomas Jefferson wrote to John Holmes: "But this momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed indeed for the moment, but this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated, and every new irritation will mark it deeper and deeper."<sup>5</sup> In Indiana the geographical line was the Ohio river, and that line had a profound significance. As Edward May had said, the negro was either a man or a brute. South of the Ohio he was a brute, a chattel, a part of the stock, like a horse. North of the Ohio he was not a man socially or politically, but he was a human being. The really great effect of "Uncle Tom's Cabin" was impressing on the readers that the negro was a man in his feelings, who could suffer as deeply as other men. Nobody understood that it presented events that ordinarily happened to slaves, but

<sup>3</sup> Letters from the United States, &c., pp. 328-34.

<sup>4</sup> Woollen's Sketches, pp. 97, 460.

<sup>5</sup> Jefferson's Works, Vol. 7, pp. 158-9.



FIRST STATE FAIR GROUNDS

everybody knew it described things that might happen to any slave, and that had occasionally happened to some of them. The book was widely read in Indiana, not only for its story, but also on account of the prominence of the Beechers in the State, and because the composite character of "Uncle Tom" was believed to have been drawn, in part at least, from an old Indianapolis negro, formerly a slave in the Noble family, who was known as "Uncle Tom," and whose humble home was always called "Uncle Tom's Cabin." He was very religious, was a favorite of Henry Ward Beecher, and his family coincided with that in the book. It was said that Mrs. Stowe visited his home, while at her brother's in Indianapolis.<sup>6</sup> There were two features of the fugitive slave law that soon aroused deep resentment in Indiana, as well as in other northern states. One was the section making it a penal offense to refuse to act on a posse for the arrest of a fugitive slave, and the other was the provision of a fee of \$10 for the court if the negro were found to be a slave, while only \$5 was allowed if the negro were found to be free. The insane folly of the makers of the law in putting such a provision in it is beyond comprehension. Its glaring injustice was conclusively put in the question, "How would you like to be tried by a court that got twice as much for finding you guilty, as for finding you innocent?"

The distinction between sentiment north and south of the Ohio grew as the years passed by. In the earlier period the Southern courts indulged the presumption of freedom for a negro,<sup>7</sup> but as complaints of runaway slaves increased this presumption was reversed; as well also the public presumption. North of the river there were so many cases of kidnaping free negroes that the public presumption was that every negro claimed as a slave was about to be kidnaped. While there were thousands of people in the South who condemned kidnaping, there was a large class to whom a free negro ranked like an ownerless horse. To them the region north of the river was like a game preserve to a hungry poacher. It was quickly demonstrated that the law of 1850 gave slight protection to the free negro. On June 20, 1853, John Freeman, a negro who had lived in Indianapolis for nine years, was arrested under the Fugitive Slave law, on affidavit of Pleasant Ellington, who claimed that Freeman was his runaway slave Sam. Luckily for Freeman, he had accumulated some property, and made numerous friends. He owned nearly a block of land, between Meridian and Pennsylvania streets, north of Eleventh, where he had a garden; and had a restaurant in the basement at the northwest corner of Washington and Meridian streets. Henry P. Colburn, William S. Hubbard, and others came to his assist-

<sup>6</sup> Greater Indianapolis, pp. 242-4.

<sup>7</sup> *Winn v. Whitesides*, 1 Mo., p. 472.



ance, and John L. Ketchum, Lucian Barbour and John Coburn were employed to defend him. Ellington brought three men from Kentucky, who identified Freeman as Ellington's Sam. The U. S. Marshal, John L. Robinson, made Freeman strip, in jail, and these three witnesses swore to identifying marks on his body and limbs. But his lawyers found the real Sam in Canada, and two Kentucky gentlemen, neighbors and friends of Ellington, went to Canada and identified him absolutely. They also found Freeman's former guardian in Georgia, who came to Indianapolis, and identified him. Finally Ellington's son came, and said that Freeman was not Sam and Ellington's lawyer dismissed the case. Ellington sneaked out of the city over-night, but service on him was obtained, and judgment was taken against him for \$2,000 for false imprisonment, which still stands unsatisfied on the docket. Judgment was also taken against Robinson for assault, and for extorting three dollars a day from Freeman while he was confined in jail for "safety", but this was reversed by the Supreme Court on a question of jurisdiction.<sup>8</sup>

This case attracted universal attention in Indiana. On August 29 1853, a mass meeting was held in Masonic Hall, and resolutions adopted congratulating Freeman on his escape. Five gentlemen from the South, who had come to testify in his behalf, had seats on the stage, and George W. Julian made a speech hotly denouncing the Fugitive Slave law. The Democratic papers called it an "Abolition Whig meeting", and the Whig papers generally fought shy of it; but the Indiana American spoke out in these pointed words: "We see in this case the most remarkable instance on record of mistake in personal identity, or else stupendous perjury. Here comes Ellington and swears to his 'chattel'; then come others to testify to his identity; and yet after all he is no slave, but a bona fide free man. Now were Ellington and his co-swearers all this time mistaken? If so, what a lesson to the courts on the difficulty of 'personal identity'. If not 'mistaken' then were they all the while practising deep perjury. And now, who pays all these costs? Who pays the loss of Freeman's time, the sacrifice of his business, and the destruction of its profits? . . . By the 'mistake' or perjury of the covetous wretch who sought to increase his ownership in groaning humanity, has this man been stripped of his property. Has he a remedy? Does this 'glorious compromise' furnish any offset against a grievance so oppressive? Must this man—innocent and free—bear all this outrage and have no legal redress? Must he? Is this justice? Shall no legal justice be visited on the would-be man stealer and the marshal who was his tool and co-oppressor?"<sup>9</sup> Moreover, the plain speaking was not all on

<sup>8</sup> Freeman vs. Robinson, 7 Ind., p. 321.

<sup>9</sup> Quoted in Indianapolis Journal, September 22, 1853.

party lines. The Fort Wayne Sentinel, a leading Democratic paper, when Freeman sued Ellington for \$10,000 said: "We hope he may recover the full amount. A more flagrant case of injustice we have never seen, and he is richly entitled to most exemplary damages. It appears to us that if in such cases the persons swearing to the identity of the accused, and seeking to consign a free man to slavery, were tried and punished for perjury, a wholesale lesson would be given, which might prevent much injustice to free persons of color. The fugitive slave law evidently needs some amendment, to give greater protection to free persons of color. As it now stands almost any of them might be dragged into slavery. If Freeman had not had money and friends he must inevitably have been taken off into bondage. Any poor man, without friends, would at once have been given up and taken away, and it was only by the most strenuous exertions that he was rescued. A law under which such injustice can be perpetrated, and which holds out such inducements to perjury, is imperfect, and must be either amended or repealed. The American people have an innate sense of justice which will not long allow such a law to disgrace our Statute books."<sup>10</sup> It is unquestionably true, as Ignatius Brown says, that, "This case had no small influence on political matters afterwards, and made many earnest opponents of slavery among those who had been formerly indifferent on the subject."<sup>11</sup> It was a large factor in the carrying of the State by the People's Party in 1854.

But while the region north of the Ohio was in the nature of a game preserve to many persons, the region south of the river had much the same standing with the radical abolitionists. There does not appear to have been any material escape of slaves to Canada until after the War of 1812, partly because they did not know anything about Canada, and partly because there were no roads opened through from the Ohio river. John F. Williams, of Economy, Ind. said that fugitives "commenced coming in 1820", and approximately that date is fixed by others.<sup>12</sup> When Levi Coffin came to Newport, Indiana, in 1826, he found that fugitive slaves were being aided by free negroes in that vicinity, and soon engaged in it himself, as he had been doing on his own account in the South for a dozen years earlier. He and his wife were North Carolina Quakers, and their work in behalf of fugitive slaves is a part of the open history of the nation; and it is well known that they were the "Simeon and Rachel Halliday" of "Uncle Tom's Cabin." Before com-

<sup>10</sup> Quoted in Journal, September 8, 1853.

<sup>11</sup> Hist. Indianapolis, p. 67. For details of the case see Greater Indianapolis, pp. 244-250.

<sup>12</sup> Siebert's Underground Railroad, pp. 37-42.

ing to Indiana their work had been in the line of aiding negroes to make their way to the northern states, and this was the extent of flight generally, in these earliest years. But soon ways to Canada were opened, and it became more dangerous for runaways to stop in the northern states. At the same time the conditions of slavery were becoming harder. The demand for slaves from the cotton states was met by sales from the border states, and threatened separations of families, and fear of being "sold South" added to the stream of fugitives. The work of aiding the fugitives naturally grew more systematic as the work itself increased.



LEVI COFFIN HOUSE, FOUNTAIN CITY

Meanwhile the moral sentiment against slavery was growing, and especially among the Quakers. In 1838 the Friends at Newport, Indiana, organized an Anti-Slavery Library Society, and collected \$25 to purchase anti-slavery literature for circulation. In 1840, Arnold Buffum, the noted Rhode Island Quaker Abolitionist, visited the West. He was a charter member of Garrison's first Anti-Slavery Society, at Boston, in 1832, and was president of, and lecturer for that organization. He made his headquarters at Levi Coffin's for several months, and lectured at various points in Indiana. In January, 1841, the first number of "The Protectionist" appeared at Newport, announcing, among other things, "The character of the paper will be essentially different from that of any now published; its first object being the vindication of the rights of the people of the non-slaveholding states to protection against the possibility under any circumstances of being claimed by mortal men as an article

of property." The first number contains an advertisement that anti-slavery publications are "for sale at the New York prices at the office of *The Protectionist*, over Levi Coffin's store, by Arnold Buffum."

Arnold Buffum was the editor of this first abolition paper in Indiana, and between his lectures and his editorials he seriously disturbed the peace of the Quaker church in Indiana. On October 30, 1841, he wrote to his daughter, Elizabeth Buffum Chace: "We came to Richmond a week ago to attend Yearly meeting. At a meeting of the Committee on the concerns of the people of color, the question of Abolition came up, and they got into confusion, and finally the report was whispered round that Arnold Buffum was there, and so to prevent me from hearing their wrangles they broke up the meeting. I was all the time a mile from them." In fact the peculiar non-resistance doctrines of the Quakers made the question a very doubtful one at the time, as is manifest from the following extract from a letter of Mrs. Chace to her father on February 21, 1841, she being at the time both a consistent Friend and an ardent abolitionist: "We have received thy paper and are much interested in reading it. We want to send the pay for it, but Samuel says one of our bills would not be good with you. The Abolitionists here are generally opposed to the third party policy, and they feel it their duty to do all they can for the *Standard* and for the *Liberator*. I, myself, dear father, was sorry that it (the *Protectionist*) espoused that policy, or that it was a political paper at all, and it does seem to me that thy editorials, which in most particulars are excellent, do almost condemn that course. The assertion that our weapons are not carnal but spiritual, does not, in my view, agree with the recommendation to use the ballot for the overthrow of slavery. Is not the ballot a carnal weapon?"<sup>13</sup> But such compunctions were not universal either in the East or in the West; or with women more than with men.

In April, 1841, the first number of "*The Free Labor Advocate, and Anti-Slavery Chronicle*" appeared at New Garden, with Henry H. Way and Benjamin Stanton as editors. On September 5, 1841, a Female Anti-Slavery Society was organized at Newport, whose charter members were Beulah Puckett, Elizabeth Stanton, Rachel Green, Mary Hockett, Edith Osborn, Elizabeth Lacy, Ann Reynolds, Keziah Hough, Jane Porch, Achsah Thomas, Mary Parker, Mrs. Henry Way and Catharine Coffin. This society not only aided in the agitation of the slavery question, but made clothes for fugitives who needed them.

The organization work spread into other localities, and in 1842 the *Free Labor Advocate* gives accounts of meetings of anti-slavery societies

<sup>13</sup> *Life of Elizabeth Buffum Chace*, pp. 87, 90.

in Randolph, Henry, Union, Hamilton, Jay and other counties; and on January 12, 1843, a meeting of the State Anti-Slavery Society was held at Salem, and one of the principal attractions was Stephen S. Harding, the Liberty candidate for Lieutenant Governor. In fact 1842 had been an epoch marker, with Newport very much in the limelight. On September 5, the State convention of the Liberty party had met there, and



DR. ELIZUR DEMING

nominated Elizur H. Deming for Governor, with Harding in second place. They made a formidable team. Dr. Elizur Deming was of Puritan ancestry, born at Great-Barrington Park, Mass., March 4, 1798. He was well educated, and at the age of twenty, having graduated in letters and in medicine, he married Hester Carpenter, at Wilkesbarre, Penn., and then emigrated to Ohio, where he practised for a time at Milford and Chillicothe, and in 1834 located at Lafayette. He soon took high rank as a physician, and became prominent in Masonry, being for many

years Master of Perry Lodge, at Lafayette. A Whig in politics, he took the stump in 1840, and surprised even his friends by his campaign oratory. In 1841, the Whigs elected him to the legislature, and his service there ended his Whig affiliation. Notwithstanding his open advocacy of abolition, he was chosen Grand Master of Masons in Indiana in 1847, and reelected in 1848, 1849 and 1850. In this position he laid the corner stone of the Masonic hall, at Washington street and Capitol Avenue, and presided at its dedication. He lectured at Laporte medical school from 1847 to 1850, and then at the Indianapolis school until its dissolution in 1852. He was then called to the chair of General Pathology and Clinical Medicine at the University of Missouri, and held this position until his death on February 23, 1855. He took an active part in organizing the union People's Party in 1854, and was tendered the nomination for Superintendent of Public Instruction on its ticket, but declined and insisted on the nomination of Caleb Mills. Stephen Selwyn Harding was a native of New York, born in Ontario County, February 24, 1808. In 1820 his parents removed to Ripley County, Indiana. He had few school advantages, but was an omnivorous reader. He studied law at Brookville, and in 1828, opened an office at Richmond. Six months later he went to New Orleans to practice, but returned to Versailles in 1829, and soon built up a large practice there. He was a strong speaker, and utterly fearless. In 1844 he was asked to speak at the court house at Versailles, and a number of men gathered in the audience for the usual indignities offered to abolition speakers in those days. Mounting the stand, he said that he understood that there were persons in the audience who had come there to egg him, and invited them to take a good look at him, and see whether he was the sort of man that would submit to it. He added: "If anyone here is resolved to do this thing, he will assuredly meet his God, green in his sins, for that man shall die. Nothing under heaven can prevent me having the innermost drop of blood that courses his craven heart." He was not disturbed, although he made a fiery abolition speech, and predicted that within twenty years slavery would be wiped out of existence in the United States. In 1850 Rev. B. P. Kavanaugh, the State Agent of the Colonization Society, issued a challenge for a debate, in which he proposed to maintain on Bible grounds that slavery was a divinely instituted custom. Some Quaker friends asked Harding to accept the challenge, and he did so. The debate was held in the Quaker meeting house at Knightstown, before a large audience. Kavanaugh was a fine-looking man, with all the oratorical graces, and made a very plausible opening; but he was no match for Harding, who painted the horrors of slavery, contrasted the humanity of Christ, and then turned to a denunciation of the professed follower of Christ's teaching who

would advocate such cruelty. Kavanaugh turned pale, and sat trembling, with clenched hands, as Harding showered invectives on him, reaching a climax when he rose to full height and launched at him Moore's lines,

"Just Alla! what must be thy look  
When such a wretch before thee stands  
Unblushing, with thy sacred Book,—  
Turning the leaves with blood-stained hands,  
And wresting from its page sublime  
His creed of lust, and hate, and crime."

Kavanaugh issued no more challenges in Indiana, and soon after went South, where his talents were appreciated, and he was made a bishop. Harding became an active member of the Republican party. In 1862, President Lincoln appointed him Governor of Utah, where he had numerous controversies with the Mormons, until 1864, when he was made Chief Justice of Colorado. In 1865 he returned to Indiana and resumed practice. He died February 12, 1893, at his old home, at Milan, in Ripley County, which had been a station of the Underground Railroad in his earlier years.

The election for Governor did not occur until August, 1843, and the Presidential election in November of that year, but the Liberty Party already had its presidential candidates in the field—Birney and Morris—and Henry Clay was in training for the Whig nomination. On October 5, 1842, Clay attended a barbecue at Indianapolis, and returned East by way of Richmond, where the Yearly Meeting of Friends was in session. The anti-slavery brethren of Newport were waiting for him with a petition for him to free his slaves. The astute Henry replied to their note asking an audience, that he would receive their petition at the public meeting which he was to address, and would answer it there. He got the committee up on the platform, and after a clever defense of his position, and reflection on their political motives and lack of courtesy to a visitor, offered to free his slaves if they would furnish the liberated negroes with an amount equal to their market value, as capital on which to begin a life of freedom. But this incident attracted little attention as compared with his reception by the Friends Yearly Meeting, which was the subject of wide comment, and some misrepresentation, by the press. The facts, as stated by the Free Labor Advocate, after careful inquiry, and with apparent accuracy, were as follows: "The clerk of the Yearly meeting took or sent his carriage to Clay's lodging, on first day morning, to convey him to meeting. It has been stated that the carriage containing the slaveholder and the Yearly meeting clerk was driven to the meeting

house by the slave Charles, but this seems to be incorrect. We have no account of Charles' attendance of the meeting though he might have been in the crowd. At any rate we are safe in saying that he was not seated by the side of the other stranger from Kentucky; and as our Divine Master and Lawgiver, when personally on earth made no distinction in his intercourse with men, or in the dispensation of favors between the rich and the poor, between the black and the white man, or between the master and the slave; it would be reasonable to suppose that, as Friends profess to be his followers, if Charles had been there, the same attention would have been paid to him that was paid to his master. We shall therefore conclude he was not present. The company arrived some time previous to the sitting of the meeting. It is common at these large meetings to keep the doors shut until the hour of meeting arrives. But when Clay and his suit arrived, the north door of the men's apartment was opened, and they entered. C. and some of his particular Whig friends were conducted to the head of the seat commonly designated as the second gallery immediately in front of the seat occupied by the foreign ministers in attendance, and the clerk of the meeting took his seat by their side. At the conclusion of the meeting a scene took place which we believe is altogether unprecedented in the history of the Society. A member of the Yearly meeting, a minister of great notoriety, who has signalized himself in stirring up opposition to abolition Friends, arose and commenced the business of a formal introduction of the distinguished slaveholder to his Friends; proclaiming aloud This is Henry Clay.—This is Friend — this is Friend—etc. The Friends of both sexes gathered around, apparently eager to shake his bloodstained hand. When this part of the scene had closed the clerk took the slaveholder by the arm and conducted him out of the house, to the carriage near the north door and handed him in, taking a seat with him. • • • Though we believe that such special honors, such marked attentions were never before publicly paid by Friends to any man however good or great, as were on this occasion paid to this prince of slaveholders, yet it may be plead as an excuse that the peculiar circumstances of the case justified it. It was probably thought justifiable and necessary to make this extraordinary demonstration of respect, in order to evince to Henry Clay the determined hostility of Friends to abolitionism (which they must have been sensible was a great annoyance to him), and their unwavering attachment to Whigism, of which he was looked up to as the representative head. Whether it was justifiable or not, under the circumstances let others judge. It is our business at present to correct errors, and to give if possible a true statement of facts. Respecting the kissing, so much talked about, it was not done in the meeting house that we know of. All the informa-



tion we have on the subject that we can rely on is this: Henry Clay being at the temperance boarding house, and about to take leave of the place, when he came down stairs, a considerable number of females, old, and young, Orthodox and Hicksites, were arranged in a line, along which he passed from one end to the other, giving each an affectionate parting kiss. We shall conclude by saying that we hope there are yet 'seven thousand in our Israel who have not bowed the knee to the Baal of slavery, nor kissed his image.'"<sup>14</sup> Marcus Mote, "The Quaker Artist", who made the painting of "Indiana Yearly Meeting" reproduced herewith, gives a very faithful picture not only of the grounds; but also of the costumes and the vehicles then in vogue. He was born near West Milton, Ohio, in 1817, and began drawing when a small child, purloining his mother's indigo for art work. He often visited Richmond, and came there to reside in 1863. His chief work was in the line of Sunday School and Bible illustrations, of which he said he had made "more than any other artist he ever heard of." He maintained for some time a "school of design for women" at Richmond, in which, in all he had 541 students, many of whom took up professional work in various lines, three of them becoming physicians.

But while this reception to Henry Clay was what excited the most comment outside, it was not the most significant event of the meeting. The anti-slavery Friends had been teaching doctrines entirely outside of the "testimony" of the meeting on slavery, and in 1841, a "minute of advice" had been adopted warning against opening meeting houses for anti-slavery meetings; mentioning that "there are some periodicals within our limits" (the Protectionist and the Free Labor Advocate) which were printing articles to which sanction could not be given, as they were not under the supervision of the meeting; and adding "as the subject of slavery is producing great excitement in our land, we again tenderly advise our dear friends not to join in association with those who do not profess to wait for Divine direction in such important concerns."<sup>15</sup> On October 3, 1842, just before Henry Clay's visit, the "meeting on sufferings" reported that "Benjamin Stanton, Jacob Grave, William Locke and Charles Osborn (appointed by the Yearly Meeting to be members of this meeting) have become disqualified for usefulness in this body, which being weightily considered was united with."<sup>16</sup> The "disqualified" asked for a statement of their shortcomings to be put on record, but as their offense was wholly anti-slavery activity, this request was not complied with. Stanton was the editor of the Free Labor Advocate, and

<sup>14</sup> Free Labor Advocate, December 10, 1842.

<sup>15</sup> Minutes, Ind. Yearly Meeting, 1841, p. 17.

<sup>16</sup> Minutes, p. 18.



Indianapolis, Ind. INDIANA YEARLY MEET. - AUGUST 22ND, 1888.

from the historical point of view, Charles Osborn was easily the most notable member of the Society of Friends in Indiana. He was born in North Carolina, August 21, 1775, and at the age of 19 emigrated to Tennessee, where he entered the ministry. In 1814 he took the lead in organizing the "Tennessee Manumission Society", which first adopted the doctrine of "immediate and unconditional emancipation", and this doctrine was advocated by Osborn thereafter. In 1816 he removed to Mount Pleasant, Ohio, and on August 29, 1817, issued the first number of "The Philanthropist", which was the first anti-slavery paper published in the United States. Benjamin Lundy started in anti-slavery work as an agent for and contributor to this paper. It was continued until October, 1818, after which Osborn removed to Indiana, where he resided until his death in 1852.<sup>17</sup> The "disqualified", to whom a dozen more had been added, met at Newport on January 4, 1843, and appointed a committee to call a convention of Friends for the purpose of "reorganizing the Yearly Meeting of Indiana upon the true principles, and in accordance with the discipline and usages of the Society of Friends." This convention met at Newport, February 6, 1843, with a larger attendance than was expected, and continued in session till the 10th, as a Yearly meeting. It issued an address, and started off full-fledged as Indiana Yearly Meeting of Anti-Slavery Friends. The Free Labor Advocate said: "Numerous individuals who came entirely unprepared for a separation, and several who left their homes for the purpose of opposing it, became fully satisfied and heartily united in the measure." This was probably due in part to the action of the Yearly meeting of 1842, for while it did not specify its reasons for churching Osborn and his co-laborers, it went squarely on record against abolition in its "epistle of advice," as follows: "We are again concerned to warn all our dear friends against joining or participating in the excitement and overactive zeal of the anti-slavery societies, and to be cautious about the kind of reading admitted into their families; as the effect of all those books and papers must be pernicious which have the tendency to set one part of society against another." In the same epistle is the following passage, which may indicate qualms of conscience for the Log Cabin and Hard Cider campaign of 1840: "The increasing frequency of political celebrations and parades, has drawn the attention of the meeting to the necessity of increased caution on the part of our members, not to take an active part therein. To join in those marches, accompanied as they generally are with martial display is evidently inconsistent for Friends, and contrary to our good order."

<sup>17</sup> The Rank of Charles Osborn as an Anti-Slavery Pioneer, Ind. Hist. Soc. Pubs., Vol. 2, p. 231.

The trouble was not confined to the Quaker church. In the fall of 1842 the *True Wesleyan*, a leading Methodist paper, withdrew from connection with the Methodist church, presenting an indictment of its pro-slavery offenses as long as Jefferson's indictment of Great Britain in the Declaration of Independence, and refusing to "continue in fellowship with a church which receives, shields and defends thousands and tens of thousands who, according to Mr. Wesley, are 'exactly on a level with men-stealers.' " The move met approbation in Indiana, and on February 27, 1843, the Indiana State Wesleyan Anti-Slavery Convention met at Newport, and unanimously resolved to secede from the Methodist church, and recommended all Abolitionists to do so. On April 22, 1843, thirty-two members of the Methodist church at Newport withdrew from its membership, being a majority of the church, and formed a new society, which was joined two days later by thirteen more. A national convention of Methodist seceders had been called to meet at Utica, N. Y., on May 31, and when it met it organized the Wesleyan Connection of the United States, with a membership of about 6,000. Methodists all over the North realized the danger, and numerous meetings called for reform in the church. For the first time, the columns of the *Christian Advocate* were opened to articles on slavery, and they were used. At the General Conference of 1844 two slavery cases came up. Rev. Francis A. Harding had been suspended from the ministry by the Baltimore Conference, for refusing to manumit slaves that had come to him by marriage, and the action of the Baltimore Conference was sustained, on appeal, by a vote of 111 to 53, the division being practically North and South. Bishop James O. Andrew had married a slave owner, and thereby became a slave-owner, and a resolution was offered suspending him from episcopal functions "so long as this impediment remains." After a protracted debate, it was adopted by a vote of 111 to 69. The Southern members then decided to withdraw and an amicable separation was arranged. It came in good time for the church in the North, for at the first annual conference of the Wesleyan Connection the membership was reported at 15,000. These movements, small as they may seem, were manifestations of the moral awakening that was going on in the North, and turning sympathy towards the escaping slave, which made the escape of fugitives through the northern states more easy, but there was very little effort to induce slaves to run away until after the passage of the fugitive slave law of 1850, and what there was was chiefly by free negroes.<sup>18</sup>

Most of the early cases of work by white men in this line were purely individual effort, and two of them were connected with Indiana. The

<sup>18</sup> Siebert's *Underground Railroad*, pp. 150-160.

first was that of Seth Concklin, a young man of Philadelphia, who read in the "Pennsylvania Freeman" the story of Peter Still, whose mother had escaped from slavery in Maryland, and whose enraged master had then sold him South, at the age of six. For more than forty years he labored before he was able to save enough to purchase his freedom; and then, returning to Philadelphia, found his brother William agent of the Anti-Slavery League. He was joined with his long lost family, but mourned his wife and three children left in the South. In a spirit of knight-errantry, Concklin volunteered to go South and rescue them. Peter first went South, reached his family by stealth, and arranged for their flight when Concklin should come, taking a cape and other trifles as tokens, by which they should know Concklin when he came. Concklin went to Alabama in January, 1851, got in touch with Still's wife and boys, who were grown; arranged to meet them at the Tennessee river, seven miles above Florence, on March 1st. He then went down the Tennessee by steamer to learn his route; went to Cincinnati to see Levi Coffin and get information; and by the middle of February was in Gibson County, Indiana, from where he wrote this letter:

"Princeton, Gibson County, Indiana, Feb. 18, 1851.

"To Wm. Still:—The plan is to go to Canada, on the Wabash, opposite Detroit. (i. e. on the Wabash route to a point in Michigan west of Detroit). There are four routes to Canada. One through Illinois, commencing above and below Alton; one through to North Indiana, and the Cincinnati route, being the largest route in the United States.

"I intended to have gone through Pennsylvania, but the risk going up the Ohio river has caused me to go to Canada. Steamboat traveling is universally condemned; though many go in boats, consequently many get lost. Going in a skiff is new, and is approved of in my case. After I arrive at the mouth of the Tennessee river, I will go up the Ohio seventy-five miles, to the mouth of the Wabash, then up the Wabash forty-four miles to New Harmony, where I shall go ashore by night, and go thirteen miles east to Charles Grier, a farmer, (colored man) who will entertain us, and next night convey us sixteen miles to David Stormon, near Princeton, who will take the command and I be released.

"David Stormon estimates the expenses from his house to Canada at forty dollars, without which no sure protection will be given. They might be instructed concerning the course, and beg their way through without money. If you wish to do what should be done, you will send me fifty dollars, in a letter, to Princeton, Gibson County, Indiana, so as to arrive there by the 8th of March. Eight days should be estimated for a letter to arrive from Philadelphia. The money to be State Bank of

Ohio, or State Bank, or Northern Bank of Kentucky, or any other eastern bank. Send no notes larger than twenty dollars. Levi Coffin had no money for me. I paid twenty dollars for the skiff. No money to get back to Philadelphia. It was not understood that I would have to be at any expense seeking aid.

"One-half of my time has been used in trying to find persons to assist, when I may arrive on the Ohio river, in which I have failed, except Stormon. Having no letter of introduction to Stormon from any source, on which I could fully rely, I traveled two hundred miles around to find out his stability. I have found many Abolitionists, nearly all who have made propositions, which themselves would not comply with, and nobody else would. Already I have traveled over three thousand miles. Two thousand and four hundred by steamboat, two hundred by railroad, one hundred by stage, four hundred on foot, forty-eight in a skiff. I have yet five hundred miles to go to the plantation, to commence operations. I have been two weeks on the decks of steamboats, three nights out, two of which I got perfectly wet. If I had paper money, as McKim desired, it would have been destroyed. I have not been entertained gratis at any place except Stormon's. I had one hundred and twenty-six dollars when I left Philadelphia, one hundred from you, twenty-six mine.

"Telegraphed to station at Evansville, thirty-three miles from Stormon's, and at Vincennes twenty-five miles from Stormon's. The Wabash route is considered the safest route. No one has ever been lost from Stormon's to Canada. Some have lost between Stormon's and the Ohio. The wolves have never suspected Stormon. Your (i. e. anybody) asking aid in money for a case properly belonging east of Ohio, is detested. If you have sent money to Cincinnati you should recall it. I will have no opportunity to use it.

"Seth Concklin, Princeton, Gibson county, Ind.

"P. S. First of April will be about the time Peter's family will arrive opposite Detroit. You should inform yourself how to find them there. I may have no opportunity. I will look promptly for your letter at Princeton, till the 10th of March, and longer if there should have been any delay by the mails."

Concklin made his way to the rendezvous in Alabama, with his skiff, and met the Stills at the appointed time. They got down the Tennessee in safety, although hailed once, and fired at by a patrol. After rowing for seven days and nights, they reached New Harmony, and made their way across the country to David Stormon's (the "Stormon" of the above letter—an active Underground Railroad man) in safety. Here

also they met Rev. N. R. Johnston, a Covenanter minister, who had formerly edited the "Free Press" at New Concord, Ohio, and who had met Concklin at Cincinnati. For some reason, the original programme was changed, and Concklin started on north with the negroes. They had reached a point twenty-three miles above Vincennes, when, during a temporary absence of Concklin, they were arrested on suspicion by a party of "slave-catchers," and carried to Vincennes, from which point telegrams were sent through the South, seeking for claimants. Their owner, B. McKiernon, of South Florence, Alabama, had telegraphed the Marshal of Evansville to be on the look-out for them, and the two soon appeared at Vincennes to claim them. Concklin, who was passing under the name of John H. Miller, came to their rescue, and tried to have them released on a writ of habeas corpus, but was himself arrested and thrown into jail. As soon as they heard of the capture, Stormont and Johnston started for Vincennes, but learned that the party had already passed on the way to Evansville, with Concklin in chains. Johnston hurried to Evansville, to find that they had taken a steamboat there three hours before he had arrived. It was reported that Concklin had "escaped" somewhere near the mouth of the Cumberland river. Possibly he attempted to do so, as his body was afterwards found in the river, with hands and feet chained, and his skull crushed. Little is preserved of his antecedents except that Still says that when his sister was told of his fate, she said, "it was only natural for him in this case to have taken the steps he did," and "recalled a number of instances of his heroic and daring deeds for others." What a record! Where in the chronicles of Froissart, in the legends of the Round Table, in the fairy tales of captives rescued from giants and ogres, will you find the equal of this story of altruism? He was not seeking the release of a princess who might reward him with her hand. He had no prospect of treasure or preferment. He was not a Damon going to the relief of a friend. He undertook an almost impossible task in behalf of utter strangers, and them of a despised and down-trodden race. He had no hope of glory, for he knew that his action was a crime by the laws of his country. It is not strange that when Levi Coffin wrote to William Still of Johnston visiting him and telling the story, he said, "We wept together."

Of course the public knew nothing of the facts. The only contemporary mention of the case in Indiana, that I have found, is the following from the Evansville Daily Journal, of April 15, 1851:

"FUGITIVE SLAVES

"We take the following letter from the Cape Girardeau Eagle, as it relates to persons who left this city not a great while back in company

with several fugitive slaves arrested in this state. The arrest of these slaves was effected without any resistance on the part of the citizens of Indiana, thus proving their faithfulness to the laws, and the utter idleness of those attempts, which have been made by agitators to excite good men into mutiny and mobocracy:

“ ‘Steamer Paul Anderson, April 1, 1851.

“ ‘Mr. Editor:

“ ‘We had quite an adventure on this boat last night. At Evansville we took on board a Mr. B. McKennon, of Florence, Alabama, with four or five negroes that had been stolen from him in Alabama, by some Abolitionists, one of whom he had manacled. The negroes and the thief were taken in Knox County, Indiana, and the owner permitted to take them out of the state without any difficulty and brought on board this boat. But at this stage of affairs, his trouble seemed to begin—for there was on board a lot of emigrants from Ohio, many of them were ranting Abolitionist and who raised a perfect storm. Colonel Benton is on board, and he was appealed to, to give “aid and comfort” but he sent them with a flea in their ears, and told them he had nothing to say where property was the matter of controversy.

“ ‘Notwithstanding, the criminal, who called himself “Miller,” acknowledged that he and four others had stolen the negroes, carried them into a skiff down the Tennessee river, up the Ohio to the mouth of the Wabash, and up that river to Harmony, and then by land to Knox County (near Vincennes). The men did all they could to get the Captain to put to shore in order to have him released, which he peremptorily refused to do. The boat landed at Smithland and while there the prisoner escaped to the great joy of the worthy Ohioans. I ascertained the names of the two of them;—Wright, a chap with one eye, and wears green spectacles—the other a Mr. Meechan.

“ ‘We have since understood that the body of a man was found in the river below Smithland, in irons and much bruised as if struck by a steamboat wheel. It is supposed to have been that of Miller.’ ”

Rev. N. R. Johnston went down the river on the next boat after that carrying the prisoners, and made inquiries along the way. Years afterwards he published a book, “Looking Back from Sunset Land,” in which he gave a detailed account of the case. He had got the idea that the officer from Evansville was an United States Marshal, but it was in fact the City Marshal of Evansville, J. S. Gavitt, who had attained some celebrity as a slave-catcher. He went down the river with McKiernon and the captives, and in the night, after leaving Paducah, went to sleep, and left McKiernon on guard. As to Concklin’s death, Johnston found



three theories in circulation: first, that Coneklin had jumped overboard, intending to drown himself rather than be taken to Alabama for trial; second, that he had jumped overboard expecting to escape, but had accidentally struck his head, as "on one side of his head was a severe wound, probably a broken skull"; and third that McKiernon had killed him and thrown him overboard. The last was believed by Johnston,



who gives these reasons for his belief: "It was said, but upon what authority I do not remember, that McKiernon had promised to pay the United States Marshal one thousand dollars on condition that he would return the fugitives and the man Miller at South Florence, Alabama. As at Paducah Miller was found dead, and as the four slaves were in the possession of the master in his own state, he had no more need of the Marshal who now returned to Evansville. Report said moreover, that McKiernon and the Marshal had quarreled about the money promised, the former refusing to pay because Miller had not been returned accord-

ing to contract; this probably had not been written. Then the supposition was inferred that in order to have revenge upon the man who had taken away his property, and to get rid of the payment of one thousand dollars, he had taken a bludgeon or something and had struck the fatal blow on the head of Miller, and then threw him overboard, expecting to escape detection as all were fast asleep and none could testify to the facts which would condemn the murderer."

Concklin's case is almost equaled by that of Calvin Fairbank, who was born in New York in 1816, of Quaker parents, and attended Oberlin College. He contracted an intense hatred of slavery when a child, listening to the stories of an escaped slave; and began his work of liberation at the age of 21, when taking a raft of lumber down the Ohio. He put nine fugitives across the river on that trip, and although he spent more than seventeen years in prison, he says: "Forty-seven slaves I guided toward the north star, in violation of the state codes of Virginia and Kentucky. I piloted them through the forests, mostly by night; girls, fair and white, dressed as ladies; men and boys, as gentlemen, or servants; men in women's clothes, and women in men's clothes; boys dressed as girls, and girls as boys; on foot or on horseback, in buggies, carriages, common wagons, in and under loads of hay, straw, old furniture, boxes and bags; crossing the Jordan of the slave, swimming or wading chin deep; or in boats or skiffs; on rafts, and often on a pine log. And I never suffered one to be recaptured.<sup>10</sup> In September, 1844, he and Miss D. A. Webster, a Vermont girl who was assisting him in teaching at Lexington, Kentucky, took three slaves, Lewis Hayden, his wife and boy, across the Ohio in a carriage, and started them on their way to freedom. They returned, and were arrested, and Miss Webster was tried first, and sentenced to two years in the penitentiary. Learning that the governor was inclined to pardon Miss Webster if he were convicted, Fairbank pleaded guilty, in February, 1845, and was sentenced to fifteen years in the penitentiary. He served until pardoned on August 23, 1849, by Governor John J. Crittenden. In a little more than two years he was arrested again, this time in Indiana, whither he had carried off a mulatto girl named Tamar, the property of A. L. Shotwell of Louisville. Without any legal formalities, he was taken to Louisville, where he was tried in February, 1853, and again sentenced for fifteen years. The Civil War came on, but Kentucky remained in the Union and held her slaves. Governor Bramlette, although a strong Union man, refused to pardon so notorious an offender as Fairbank. In July, 1864, President Lincoln put Kentucky under military rule, and sent Gen. Speed S. Fry

<sup>10</sup> During *Slavery Times*, p. 10.

to enroll the negroes, in the state. On account of interference with this, Governor Bramlette was summoned to Washington to answer charges, and Lieutenant Governor Richard T. Jacob became acting Governor. Jacob was a son-in-law of Thomas H. Benton, and a slave-holder, but of anti-slavery tendencies. On his first day as Governor, General Fry remarked to him: "Governor, the President thinks it would be well to make this Fairbank's day"; and on the following morning Fairbank was pardoned.<sup>20</sup>

These isolated cases attracted very little attention in Indiana outside of the little circle that were acquainted with the real facts, and they kept quiet, for obvious reasons. There had been other cases, however, that did attract attention, and that showed the trend of public sympathy, and the growing suspicion of attempts to carry negroes away from the state. The first of these occurred in 1844. For five or six years a negro named Sam, with his wife and child, had been living in Hamilton County, when a man named Vaughan, from Missouri, appeared and claimed them as slaves. He made no public announcement, but secured the assistance of a constable, and several men who were willing to become slave-catchers for pay; went to Sam's cabin and demanded admittance, which was refused. They then threw down the chimney and pried the door off its hinges, after which the inmates surrendered. By this time it was day, and the neighbors began to gather. The party started for Noblesville, five miles away, but some of the party insisted that they should stop at the farm of a Mr. Anthony for breakfast, which was done over Vaughan's protest. A delay of two or three hours was managed at this point, and then they started on, with the negroes in a wagon furnished by Anthony. Apparently an alarm had been sent out, for when they reached the fork of the road to Westfield, a couple of miles out of Noblesville, the party had grown to 150. At this point the driver of the wagon turned up the Westfield road and whipped up his horses. Vaughan tried to stop them, but was obstructed, and they got away. Vaughan then brought suit against a man named Williams, who had shown an active interest in the negroes, which was tried at the May term of the U. S. Circuit Court, 1845. It was shown that Williams was not near the wagon when the escape was made; and also that a former owner of Sam and his wife, named Tipton, had taken them into Illinois and kept them there for six months, when, on account of talk among the neighbors that they were freed, he ran them off in the night to Missouri. Here they were sold, finally passing to Vaughan, and in April, 1837, they ran away. The jury found for the defendant.<sup>21</sup>

<sup>20</sup> Siebert's *Underground Railroad*, pp. 157-9. This is by far the most exhaustive work on this subject.

<sup>21</sup> Vaughan vs. Williams, 3 McLean, p. 530.

In 1849 a case came up from Decatur County. Woodson Clark, living near Clarksburg, twelve miles northeast of Greensburg, saw a child carrying food to the barn of his neighbor, Jane Speed, a colored woman, living on "the Peyton place," and proceeded to investigate. He found a negro woman and four children, who had escaped on October 31, 1847, two days earlier, from George Ray, a tavern keeper in Kemble County, Kentucky. Clark, who had seen the negroes at Ray's, told them he would take them to a safer place, and locked them up in his son's fodder house. News of this came promptly to friends of the fugitives, and Luther Donnell and William Hamilton got out a writ of habeas corpus, on information that they were at Woodson Clark's house. They reached his house after night, and searched it, but found nobody, and went away. Richard Clark, the son, swore that, anticipating an attempt to release the negroes, he watched his fodder house, and that between three and four o'clock in the morning he saw Donnell and Hamilton come and take them away, while he was hid in a fence corner. Ray sued Donnell and Hamilton in the U. S. Court for the value of the negroes, and the case came on for trial at the May term, 1849. The testimony was very conflicting, some of the witnesses swearing that Richard Clark had said that the fugitives were released by negroes. Whatever the truth, there was so much sturdy lying in the testimony that the Court observed: "Never in my experience have I witnessed so great a conflict of statements among respectable witnesses." He instructed the jury, however, that they might make up their minds from circumstantial evidence, reminded them of the defendants getting the writ of habeas corpus, and dilated on the importance of enforcing the law. The jury gave a verdict for \$1,500 damages. The probabilities seem to be that Clark lied about seeing them, and that the Court was wrong in guessing that they released the negroes.<sup>22</sup> Donnell was a station agent of the Underground Railroad, but in a statement made years afterwards, Hamilton frankly told how the negroes were brought in on the Underground; how Clark lured them away under pretense of taking them to a safer place; how he and Donnell failed in their search; and how the woman made her escape, and fell in with some colored men who rescued the entire party, and got them out of the neighborhood.<sup>23</sup> Action was also brought against Donnell for the \$500 penalty prescribed by the State law for aiding a fugitive slave, but the Supreme Court held that the State law was unconstitutional, and the jurisdiction wholly in the federal courts.<sup>24</sup>

<sup>22</sup> Ray vs. Donnell and Hamilton, 4 McLean, p. 504.

<sup>23</sup> History of Decatur County, p. 399.

<sup>24</sup> Donnell vs. State, 3 Ind., p. 480, following the U. S. Court in Prigg vs. Pennsylvania, 16 Peters, p. 613.

Perhaps the most exciting of the Indiana slave cases was one in St. Joseph County in 1849. In 1847, four slaves escaped from John Norris, in Boone County, Kentucky, and made their way to Cass County, Michigan, where they located in a settlement of negroes, with abolitionist neighbors. Two years later Norris learned where they were; made up an armed party; went quietly to Michigan; broke open their house in the night; captured the negroes, and got them into Indiana, below South Bend. Alarm was given, and a neighbor followed; secured the aid of Edwin B. Crocker, an attorney; obtained a writ of habeas corpus; went out with a party; and found Norris and his captives, who had stopped to get some food. The Norris party drew weapons and showed fight, but finally consented to obey the writ, and the negroes were taken to South Bend and lodged in jail. Armed negroes began coming in from Michigan, and by the time of the hearing there was a fair sized mob on hand. The Court released the negroes, but in the meantime Norris had got out warrants for their arrest under the State law, and his party drew their weapons, and seized the negroes in the court room. After some parley they were again taken to jail, and another writ of habeas corpus was taken out. Norris and his party were arrested on charges of assault and riot, but these were not pressed. Concluding that it was hopeless to get the negroes away, he refused to attend the second hearing, and said he would hold the people responsible who had interfered with him. The negroes were released and hurried off to Canada. Norris brought suit in the U. S. Court against Leander Newton, Crocker, and others, and at the trial, in 1850, recovered judgment for \$2,850.<sup>25</sup> There were twelve additional suits brought for the \$500 penalty under the State law but these were disposed of by the law's being held unconstitutional.

By these and similar cases elsewhere, it was made manifest that the federal courts would enforce the law, and that open violation was dangerous. The new law of 1850 was still more stringent, but instead of preventing aid to fugitive slaves, it merely increased the secrecy of their friends and stimulated them to greater activity. In 1851 there came to the farm of Col. James W. Cockrum, at the site of Oakland City, Gibson County, a man known as John Hansen. He apparently knew where he was coming, for the two were seen on confidential terms, and Hansen made the house his headquarters for more than five years after. Cockrum was born in North Carolina, in 1799. He migrated to Tennessee, and in 1816 to Indiana, locating in Gibson County. He was a man of superior intelligence and business capacity, and soon became active in flat-boating produce to New Orleans. He then got into the steamboat business on

<sup>25</sup> Norris vs. Newton, 5 McLean, p. 92. Howard's, Hist. St. Joseph Co., p. 202.

southern rivers for ten years, during which he owned and operated consecutively two boats, the "Otsego" and the "Nile." Later he devoted his attention to farming and mercantile business in Gibson County. He was a zealous Baptist, a champion of free schools, and an ardent temperance and anti-slavery man. Politically he was a Whig, later a Republican, and represented his county in the legislature of 1848 and 1852.



COL. JAMES W. COCKRUM  
(Of Executive Committee of Anti-Slavery League)

He had his title from service in the militia as colonel. Hansen passed as the representative of a Philadelphia real estate firm, and incidentally was interested in natural history. One day he was bitten by a poisonous snake that he was trying to capture, and for ten weeks was laid up at the Cockrum home, having a narrow escape from death from the effects of the poison. During this time the Colonel's youngest son, William, went to Princeton for his mail, and finally was taken into his confidence, and attended to his correspondence; and to this personal acquaintance

Indiana is indebted for the most explicit account of the work of the Underground Railroad in Indiana that has ever been made public, for young Cockrum entered into it with zest and, having historical tastes, collected a mine of information on the subject, which he has recounted with perfect frankness in a volume that is as thrilling as any novel.<sup>26</sup>

Hansen, whose real name was John T. Hanover, was an agent of the Anti-slavery League, and the Superintendent of its work in Indiana. The organization was extensive, controlled by men of ability, and well supplied with funds. Cockrum says: "They had a detective and spy system that was far superior to anything the slave holders of the United States had. There were as many as fifty educated and intelligent young and middle-aged men on duty from some ways above Pittsburg, Pennsylvania, along down the Ohio on both sides of it to the Mississippi River. These men had different occupations. Some were book agents and other sort of agents; some were singing teachers, school teachers, writing teachers and others map makers, carrying surveying and drawing outfits for that purpose; some were real Yankee peddlers; some were naturalists and geologists carrying their hammers and nets for that purpose. They belonged to any and all sorts of occupations and professions that gave them the best opportunity to become acquainted and mix with the people and gain a knowledge of the traveled ways of the country. They never engaged in political arguments, making it a point always to acquiesce with the sentiment of the majority of the people they were associating with. There were ten young men who were carried on the rolls of the anti-slavery league who took upon themselves the role of a spy. These spies were loud in their pro-slavery talk and were in full fellowship with those who were in favor of slavery. In this way they learned the movements of those who aided the slave masters in hunting their runaways and were often enabled to put them on the wrong track, thus helping those who were piloting the runaways to place them beyond the chance of recapture. There was also a superintendent for each of the four states, Illinois, Indiana, Ohio and Pennsylvania, who had the management of the men working in the state that he was assigned to." There were soon four regular crossing places established on the Ohio between the Falls and the mouth of the Wabash; one at Diamond island, one near the mouth of Little Pigeon, one between Owensboro and Rockport, and one near the mouth of Indian Creek in Harrison County. At these places there were men, usually supposed to be fishermen, who were always prepared to take fugitive parties across the river.

Hansen left nothing unprovided for. He called on A. L. Robinson,

<sup>26</sup> *The Underground Railroad, Oakland City, 1915.*  
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the well known Evansville attorney, and paid him a retainer of \$250 to attend to any cases that might come up in his vicinity. Cockrum says: "Hansen was working and traveling over the first three or four tiers of counties all along the southern borders of Indiana and pretended to be representing an eastern real-estate firm from which he received large packages of mail at many of the county seats and large towns all along southern Indiana. The young men assigned to do this hazardous work under him were men who could be depended upon to do it in a way that no suspicion of their real mission would be had. They were under a most perfect discipline, similar to that the secret service men were under during the war times in the sixties. There was a code used that each man was thoroughly acquainted with. It had their numbers and all that was said or done about him was by number, which numbers were referred to as numbers of land, towns, ranges and sections and by acres when the numbers were above thirty-six. The routes these men were on were called by the names of timber, such as linden, oak, maple, hickory, walnut, dogwood, sassafras, beech and all the sorts of timber that were native of the country in which they worked." But the work was not all done north of the river. A part of the men were constantly employed in the South, getting slaves to run away, and piloting them to safety. This was the most dangerous part of the work, and all sorts of ingenious schemes were resorted to for the accomplishment of the objects of the organization. Mr. Cockrum informs me that the members were all under a rigid oath, and any revelation of material matters was punishable with death. The results of this work were remarkable. In 1865, Hanover said: "I can't say for certain how many fugitive slaves passed through the hands of the men on duty in my district on the Ohio river, but for the seven years more than an average of four thousand each year."<sup>27</sup> This seems almost incredible, and yet it is in fair harmony with the claims of losses made by Southerners.<sup>28</sup> The difficulty of arriving at a correct idea of the extent of the work is very great. The census of 1850 returned only 1,011 slaves escaped from their masters in that year, and the census of 1860 returned only 803, but these figures did not agree with current opinion, and this was noted at the time. The Madison Courier, which was not an anti-slavery paper, in discussing the figures of 1850, said: "The public impression as to the number of fugitives which may have been at any time or that now remain in the North is undoubtedly immensely exaggerated."<sup>29</sup> In the census report for 1860, it is claimed that the figures as to the fugitive slaves are accurate, but

<sup>27</sup> Cockrum's Underground Railroad, p. 320.

<sup>28</sup> Siebert's Underground Railroad, pp. 341-352.

<sup>29</sup> Courier, April 2, 1851.



if they are no better than the figures of the Canadian census for the same years, they are of little value. The Canadian census of 1851 reported 2,095 negroes in Upper, or West Canada, but gave figures for only one-sixth of the districts, and said in a footnote that there were 8,000. In Lower Canada it reported only 18 negroes, but these were in three of the 38 districts. In 1861, 11,223 negroes were reported from two-



JOHN T. HANOVER

(Alias John Hansen; Superintendent of Anti-Slavery League,  
in Indiana)

thirds of the West Canada districts, and 190 from Lower Canada. It is unquestionable that the migration to Canada was greater in this decade than in any other, for in addition to those going direct, many who had stopped in the Northern states fled to Canada on account of the law of 1850. Cockrum says that in addition to the crossing in the vicinity of Detroit, there were two large boats constantly employed in the work of transporting fugitives to Canada, one on Lake Michigan and one on

Lake Erie. Siebert gives a list of 3,211 persons engaged in aiding fugitives to escape, of whom 244 are credited to Indiana. But he says it is a minimum list, and it certainly is for Indiana. In Gibson County, for example, he has but one name, while Cockrum names more than a dozen white men, in addition to a number of free negroes, and the regular workers of the Anti-Slavery League. If the known assistants averaged one person a year, allowing for duplication, the number would go into thousands.

So far as public sentiment was concerned, this uncertainty as to the number of fugitives added to the hostility of the North and the South. Nine-tenths of the Northern people had no knowledge whatever of the work of the Underground Railroad, on account of its secrecy, and if these accepted such authorities as the census reports, they naturally believed the Southern claimants of losses to be liars, who were trying to promote the industry of kidnaping free negroes. On the other hand, the Southerner who lost a slave naturally blamed the loss to the Underground Railroad. No doubt he was generally correct in his suspicion, but not always. There were always criminals in the South, like John Murrell and his band, who would steal a negro as cheerfully as a horse, or induce him to run away under pretense of guiding him to freedom, and sell him to a new master. But the average Southerner blamed it all to the "Yankees," and with little distinction between them, except for political affiliation. In the heated debates in Congress in 1860-61, just preceding secession, Jones of Georgia said: "It is a notorious fact that in a good many of the non-slaveholding states the Republican party has regularly organized societies—underground railroads—for the avowed purpose of stealing the slaves from the border states, and carrying them off to a free state or to Canada. These predatory bands are kept up by private and public subscriptions among the Abolitionists; and in many of the States, I am sorry to say, they receive the sanction and protection of the law. The border States lose annually thousands and millions of dollars' worth of property by this system of larceny that has been carried on for years." Polk of Missouri said in the Senate: "Underground railroads are established, stretching from the remotest slaveholding states clear up to Canada. Secret agencies are put to work in the very midst of our slaveholding communities to steal away slaves. . . . This lawlessness is felt with special seriousness in the border slave states. The underground railroads start mostly from these states. Hundreds of thousands of dollars are lost annually. And no state loses more heavily than my own. Kentucky, it is estimated, loses annually as much as \$200,000. The other border states no doubt lose in the same ratio, Missouri much more. But all these losses and outrages, all this disregard

of constitutional obligation and social duty, are as nothing in their bearing upon the Union in comparison with the animus, the intent and purpose of which they are at once the fruit and the evidence."

In some respects, aiding of the fugitives took on the form of a great



COL. WILLIAM M. COCKRUM

game of hide and seek, played while most of the population were in bed and asleep. The slave hunters, of course, went armed when in pursuit of fugitives, and at times were insolent and overbearing, which aroused the resentment of even persons who were not especially interested in the fugitives, and still more so the active anti-slavery men. Cockrum

tells of the routing of a party of slave catchers who were watching the Dongola bridge over the Patoka river for a party of fugitives, by a party of anti-slavery men who captured their horses, tied explosive fire-brands to their tails, and chased them across the bridge, to the dismay and terror of the watchers, who promptly decamped. He gives another account of waylaying a mounted party at the Kirk's Mill bridge, and frightening them and their horses by exploding a number of bombs, and pretending to be in pursuit of them. More elaborate than these grimly facetious proceedings, was a bogus kidnaping affair he recounts. Two of Hansen's spies enlisted ten local slave-catchers in a scheme to capture a crowd of free negroes and sell them as slaves. The negroes were supposed to be holding a meeting of a secret society, called "The Sons of Liberty," but were prepared in advance for the raid. When the kidnapers broke into the house, they found themselves confronted by twelve sturdy men—eight negroes and four whites disguised as negroes—who leveled rifles at them and told them to hold up their hands. The kidnapers were disarmed and manacled with the fetters they had brought for their expected captives. They were then told that as they had invaded a meeting of the society, they would have to be initiated. They were required to take an oath never to kidnap a free negro or aid in capturing a fugitive slave. The spies were then told that as they had brought the party to the place they were worthy of death. They were taken into an adjoining room, from which there soon came the sound of blows and of moans and prayers for mercy, followed by significant silence. The spies were then put under a bed, with their feet extending, for the benefit of the remainder, who were brought in two by two and initiated by having crosses burned on their breasts and shoulders with red-hot pokers. The pokers were also used to singe off the beards of those who were not shaven. The spies were then let out at another door, and mounted their horses, and drove away the horses of the kidnapers, after which the latter were released and ordered to depart. It can hardly be doubted that these proceedings cast a damper on slave-hunting in that vicinity. And yet this remained absolutely secret for many years, as neither party ventured to make it public.

But while there was a great deal of secret action, there was no lack of public movement in connection with slavery. Indeed there was so much of it before the public that the demand of the South was that "agitation" should cease, and this demand was indorsed by both the Whigs and the Democrats. It was useless. As George W. Julian said to the Free Soil convention at Indianapolis, on May 25, 1853: "Everybody is agitating. The anti-slavery man agitates because he believes the truth is on his side, and that he has nothing to fear, and everything

to hope from the freest discussion. The pro-slavery man agitates, because that is his method of convincing everybody that agitation is a curse and a crime. Agitation pervades the common air. It meets us around the fireside, in the social circle, in our stage-coaches and railway cars, and on board our steamboats. The old and the young, the rich and the poor, the wise and the simple, are alike its victims. It has acquired a sort of omnipresence. The very effort to escape it only seems to draw it nearer to us; and were it possible to banish the contagion entirely from our thoughts, it would be at the cost of our moral annihilation. Its abode is wherever human hearts beat; and while oppression lasts, it can only cease with their pulsations. Never has there been such a tide in our affairs as at this time. Never have the enemies of slavery had such reasons to feel encouraged as the facts I have presented furnish. Never has the slaveholder seen his day of judgment so visibly and rapidly approaching. Every attempt to cloak the hideous deformity of the great dragon of slavery only seems to unmask it to the gaze of the world. Every diabolical device designed to crush our cause, is turned into a weapon of aggression and defense. Slaveholders themselves are now among our most efficient helpers. Their unhallowed rule has at length set the world to thinking, its great heart to beating, and its great voice to agitating, whilst their intended finality has been hissed out of the land. And yet President Pierce, in his inaugural, tells us that he fervently hopes the question is at rest! Let us thank God for such a rest as the world is now having, and pray for its increase; and as respects slaveholders and doughfaces, let us take comfort from the Scriptural assurance that there is no rest for the wicked." <sup>30</sup>

This extract will prepare the reader for the statement that at this time Julian was the most notable "firebrand" in Indiana. He was of French descent on his father's side, his ancestors having located on the eastern shore of Maryland in the latter part of the seventeenth century. From there his father removed to Indiana, and settled near Centreville, in Wayne County. He was a man of ability, and represented his county in the legislature, but died in 1823. George was born on his father's farm, May 5, 1817, and was one of six children. The widow and orphans had a hard struggle, but George was determined to improve his mind. He got a little instruction in the common schools, but was chiefly self-educated, reading, like Lincoln, by firelight, on account of the lack of lamp or candles. At eighteen he began teaching school, and continued for three years, meanwhile taking up the study of law. In 1840 he was admitted to the bar. In 1845 he was elected to the legislature as a Whig.

<sup>30</sup> Julian's Speeches, p. 94.

As a legislator he warmly opposed repudiation of the State debt, and distinguished himself by a fight for the abolition of capital punishment. But he revolted at the Whig attitude towards slavery, and in 1848 went as a delegate to the Free Soil convention at Buffalo, and from that time forward was an apostle of abolition. In 1849 the Free Soilers nominated him for Congress. The district was reliably Whig, but the Democrats, considering Whig defeat a half victory, voted for Julian and elected him. The Whigs averred "bargain and corruption," but Julian made no sign of compromise in his campaign, and in Congress he was a radical of the radicals. His speeches of May 14 and September 25, 1850, against the slave power gave him national rank among the abolitionists. He also made a speech in favor of Andrew Johnson's homestead bill, which probably helped to kill it, as Julian treated it as an anti-slavery measure.<sup>31</sup> It is a curious fact that many histories, including "The Public Domain," ascribe the first homestead bill to Galusha A. Grow, in 1854, but this bill was put before Congress by Johnson, after numerous rebuffs, on January 23, 1851, and he said at the time that the matter had been brought before Congress six years earlier. This peculiar championship of the homestead bill, to which he was sincerely attached, and to which he gave much labor later, was in accord with Julian's ruling characteristics. He was no politician. No consideration of diplomacy or tact ever prevented him from saying what he thought, and it was this quality that brought him into conflict with Morton. Morton was a consistent Democrat until expelled from the Democratic convention of 1854 for opposition to the Nebraska bill. In 1851, Julian had been renominated for Congress by the Free Soilers. A majority of the Democratic district convention decided to indorse him, over the opposition of Morton, who advocated a separate nomination. Julian was defeated in the election, and in 1852 he was nominated for Vice President by the Free Soilers. Morton supported the Democratic ticket as usual, but in 1854 he joined "The Peoples Party," and aided materially in unifying that discordant organization.

From this time, Morton's influence in the new party, and in the Republican party, which succeeded it in 1856, was stronger than that of Julian. In 1856 Morton was nominated for Governor, and after a campaign with Ashbel P. Willard, the Democratic candidate, was defeated by 5,842 votes. In November, the Democrats carried the state for President by more than three times that majority. On July 4, 1857, Julian made an address at Raysville in which he ascribed the defeat to an abandonment of anti-slavery principles. His conclusion was probably

<sup>31</sup> Cong. Globe, Jan. 29, 1851, App., p. 135.

erroneous, but his recital of Indiana political history for the past three years was accurate. He said: "The sad truth is that Indiana is the most pro-slavery of all our Northern states. Her Black Code, branded upon her recreant forehead by a majority of nearly one hundred thousand of her voters, tells her humiliating pedigree far more forcibly than any words I could employ. Our people hate the negro with a perfect, if not a supreme hatred, and their anti-slavery, making an average estimate, is a superficial and sickly sentiment, rather than a deep-rooted and robust conviction. \* \* \* There was an honest element in the struggle of 1854, but it was to a great extent, overlaid and smothered by adverse influences. We had, strictly speaking, no anti-slavery party. It was simply an Anti-Nebraska party, mustering its large numbers by appealing to prejudices essentially hostile to anti-slavery truth, or at best only distantly related to it. But there were two other questions which entered extensively into our politics at the time of which I speak. One of these was the Temperance Question. Three years ago the rallying cry of our temperance men was 'Seizure, confiscation, and destruction of liquors kept for illegal sale.' The demand for a law embodying this principle, which had been growing louder and louder since the enactment of the "Maine Law," was reaching its climax. The excitement was at high tide. Many even resolved that this question should be made paramount in the politics of the State, and however time and experience may have modified our zeal or modified our opinions, such were the numbers, intelligence, and character of the men who embarked in this movement that our politicians were compelled to defer to their wishes. No party could afford to trifle with so potent an influence.

"The other question referred to, and which still more complicated our political affairs, was Know Nothingism. Thousands were made to believe that the Romish Hierarchy was rapidly becoming a dangerous power in 'The things that are Caesar's,' and that the Man of Sin must be put down at once and at all hazards. Thousands were persuaded that the evils of foreignism had become so alarming as to require the most extraordinary measures to counteract them, involving even the grossest injustice to the foreigner himself that our native demagogues might be rebuked for pandering to his ignorance or brutality. Thousands, misled by designing knaves, through the arts of the Jesuit, believed that the cause of freedom was to be sanctified and saved by this new thing under the sun. Thousands, swayed by an unbridled credulity, thought that political hacks and charlatans were to lose their occupations under the new Order, and that our debauched politics were to be thoroughly purified by the lustration which it promised forthwith to perform. Thousands, eager to bolt from the old parties, but fearful

of being shot down on the way as deserters, gladly availed themselves of this newly devised 'Underground Railroad' in escaping from the service of their old masters. Under these various influences, but chiefly actuated by the extraordinary feeling which prevailed on the subject of foreign and Catholic influence, secret and oath-bound affiliated lodges were established throughout the country, which exerted a controlling in-



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fluence over political matters. These lodges were first organized in Indiana in the early part of the year 1854, and rapidly spread over the State. Their grand aim was to carry out their peculiar dogmas, and secure the offices of the country; and they enlisted a large majority of those who had been known as Whigs and Free Soilers, besides great numbers of Democrats, some of whom stood openly with their party, but secretly bolted by the light of the 'Dark Lantern.' Such were the elements of the movement of 1854, which first fused together in the State



Convention at Indianapolis on the 13th of July of that year. Here was the favored opportunity to organize a party of freedom on a substantial basis. \* \* \* Both the Temperance men and a majority of the Know Nothings were more or less imbued with anti-slavery sentiments, whilst both stood ready to make common cause against Old Line Democracy, and to yield something of prejudice, if not of conviction, for the sake of an effective union. The Free Soilers of the State were pretty largely represented in the Convention, and it was only necessary for them to say, unitedly and with emphasis, that a Republican party should be organized, and it would have been done. But the united and emphatic word was not spoken. Fusion was the magic sound that charmed all ears. Resolutions were offered declaring, first, the principle of opposition to slavery within constitutional limits, and to the extent of constitutional power; and second, that the repeal of the Missouri Compromise had destroyed whatever of finality was understood to pertain to the compromise acts of 1850, and remitted the free States back to their just rights under the Federal Constitution. These moderate resolutions were voted down, and others adopted by which in effect, if not in express words, the restoration of the Missouri Compromise was made the only specific basis of union. By this action of the Convention the new movement was committed to an essentially pro-slavery policy; for even the dough-face could preach the restoration of this compromise when expounded as the limit of his anti-slavery designs, as a flat negative of the doctrine of slavery restriction generally, and merely as a rebuke to the administration for disturbing the healing measures of 1850. It was a narrow and double-faced issue at best, but in this instance it had only a face looking southward. It was a false issue, and it was, besides, wholly impracticable.

"Our more radical anti-slavery men, however, acquiesced. The Temperance men were generally satisfied, because a resolution was adopted which met their acceptance. The Know Nothings were pleased, not only because they liked the platform, but because the State ticket publicly nominated at the same time had been formed by the Order in secret conclave the day before, as the outside world has since learned. Thus was inaugurated our 'Fusion' or 'Peoples Party,' for it did not pretend to be anything else. It was a compromise party. It was 'a combination of weaknesses,' rather than a union of forces. It was conceived in mere policy and the lust for office, midwived by unbelieving politicians, and from its birth cowardice was stamped upon its features. The campaign thus begun was conducted as might have been expected. \* \* \* I need not refer to particular results. It is sufficient to know that when victory was won, no great principle could be regarded as having been

settled by a majority of the people; that it was gained by men unworthy to share it, because incapable of using it for the public good; and that the real power of a movement lies not so much in the numbers it can muster, as in the principle which is its basis, and the loyalty with which men stand by it. The 'Peoples Ticket' was carried by diplomacy and stratagem, and not by the strength of a common conviction, and the victory proved, to a great extent, barren of good fruits, but prolific of bad ones, through its demoralizing example. . . . Early in the spring of 1856 a convention of the 'Peoples Party' was called at Indianapolis, for the first of May. The familiar spirit of Know Nothingism was distinctly shadowed forth in the call, though a separate one was issued by the Order for a convention on the same day, and at the same place. The Temperance men were likewise again appealed to, whilst the 'People's' editors of the State resolved to hold a private consultation at Indianapolis on the day before, several of these editors being Know Nothings of the Fillmore type. Significant intimations were given out, in various ways, that a retreat was contemplated, even from the low ground occupied during the two years previous; but it was certain, at all events, that no advance was to be made. . . . Republican organizations, on a broad anti-slavery basis, had been launched in New York, Massachusetts, Ohio and other states, and the organization of a National party had been initiated at Pittsburg. All could see that the Democracy was to be vanquished, if at all, by the strength of the Republican idea, through the Republican organization as its instrument, disconnected with all side issues, and free from all coalitions whatsoever. The Convention, however, under prevailing counsels, whilst pretending to go considerable lengths on the slavery issues, dodged them all save the single one of Free Kansas. Instead of falling into line with the movement referred to in other states, it expressly voted down a proposition to accept even the name Republican. . . . At least one man on the State ticket was an avowed Fillmore man, whilst both Fillmore and anti-Fillmore men were chosen as delegates to Philadelphia, and electors for the State. Perfect consistency only demanded one additional step in the process of leveling downwards, giving the Democracy a common stake in the scramble! Such a policy was the climax of political folly, to use no harsher word. The golden moment for organizing a party upon a solid basis was seized by faithless leaders, and a shameless scuffle for the spoils was substituted for a glorious battle for the right.

"Accordingly, the policy which assumed to control the canvass was shallow and mean spirited to the last degree. The work most of all needed in Indiana was to proclaim the fundamental doctrines of Republicanism boldly, in their whole length and breadth. . . . The evils

of slavery should have been unsparingly portrayed, not simply as a curse to the soil, and a wrong to both master and slave, but as an unspeakable outrage upon man, and a crime against God. . . . But the darkest portions of our State were abandoned in the canvass because of their darkness. Southern Indiana, in which the fight should have been hottest and most incessant, was mainly given over to the tender



UNDERGROUND RAILROAD LINES IN INDIANA

mercies of Fillmore Know Nothingism and Buchanan Democracy. The establishment of a press there, to counteract these forces, was discountenanced, lest pro-slavery men should vote against our ticket. The country south of the National Road was forbidden ground to anti-slavery speakers, lest our success should be jeopardized by the preaching of the truth. . . . And yet, after all, our State ticket was beaten. It received the support of thousands who had little respect for it, but who could not see how to withhold their votes without damaging the National

Ticket. On the other hand, the large majority of Buchanan over Fremont, as compared with that of Willard over Morton, shows the part which Know Nothingism played, the extent of our complicity with it, and of the claim it would undoubtedly have made to the honors of victory had it been achieved. As the triumph of Fremont was denied to us, owing to other causes than the single loss of Indiana, I have few tears to shed over the result. \* \* \* Had the slippery tactics of our leaders received the premium of a victory, it would have been far more disastrous in its influence hereafter than a merited defeat, which may even bless us as a timely reproof of our faithlessness. I believe, however, that by a bold fight in Southern Indiana, on the real issue, confronting the Buchanan and Fillmore leaders at every point, and exposing their falsehoods, our State could have been saved."<sup>32</sup>

This was a remarkable speech from a man who had supported the People's party in 1854 and 1856, but its purpose is apparent. Up to 1854, Julian had been the most prominent Free Soiler in Indiana, but now he saw the ground slipping from beneath his feet, and his old enemy, Morton, leading the party he had been building up, through the means of fusion. He apparently believed that Morton was a Know Nothing, and attributed his rise to the influence of that secret order. And he had grounds for his belief, whether Morton was in fact a member of the order or not. They were both from the same Congressional district, and, referring to the anti-Nebraska movement, in 1854, Mr. Foulke, Morton's biographer says: "On the 6th day of July the opponents of this bill in Morton's Congressional district, met at Cambridge City and nominated D. P. Holloway for Congress. Efforts were made by the Know Nothings to nominate Morton, but he was not willing to connect himself with that organization." Julian says that the ticket in 1854 was named by the Know Nothings, and Foulke says: "It is easy to see from the speeches of Morton the influence which the Know Nothings had in the formation of the fusion organization known as the 'Peoples Party.' Morton would not join the Know Nothings. The Anti-Nebraska men would not concur either in their secret measures, their opposition to the Catholic church or their exclusion of foreigners from the suffrage for twenty-one years. But they were ready to go with them as far as seemed reasonable."<sup>33</sup> In its account of the convention of 1856, the Sentinel said: "Morton's nomination was ordained by the Know Nothing council the night before." The convention declaration was: "Resolved, that we are in favor of the naturalization laws of Congress, with the five years' probation, and that the right of suffrage should accompany and not precede

<sup>32</sup> Julian's Speeches, p. 127.

<sup>33</sup> Life of Morton, pp. 41-4.

naturalization." In his speech accepting the nomination at the convention, Morton not only indorsed this plank, but asserted that the provision of the Indiana constitution of 1851 was a violation of the constitution of the United States. It is notable that Morton made no denial of or objection to these charges when made, and that his biographer, while quoting this speech of Julian's as to other matters, makes no reference to the charge of Know Nothingism.<sup>34</sup> Hence it was not possible to mistake Julian's purpose when he proceeded in this Raysville speech: "We should above all things, shun every form of partnership with Know Nothingism hereafter. Pretending to herald a new era in politics, in which the people were to take the helm and expel demagogues and traders from the ship, it reduced political swindling to the certainty and system of an exact science. It drew to itself, as the great festering centre of corruption, all the known political rascalities of the last generation, and assigned them to active duty in its service. • • • Whether sweeping over our towns and cities like a tropical tornado, scattering devastation and death in its track, or walking in darkness and wasting at noonday, like the pestilence; whether judged by its unchristian dogmas, or its ungodly oath and ritual, Know Nothingism is an embodied lie of the first magnitude, a horrid conspiracy against decency, the rights of man, and the principle of human brotherhood. Our cause owes it nothing but the most unwavering opposition, so long as a vestige of its evil life remains. • • • It is not of us, with us, nor for us, and we should recoil from its contaminating touch. Whether meeting us, in its old habiliments, announcing its savage dogmas in their undisguised features, or masquerading under the hypocritical pretense of simply desiring a change in our State constitution as to foreign suffrage; whether we find it taking up the trade of 'Union-saving,' and openly meeting us on the issues of Republicanism, or flavoring its unpalatable dish with anti-slavery, in the hope of prolonging its life and inviting our recognition, it will be found to be, as heretofore, our enemy, and should be dealt with as such by every man who has our principles at heart. It is both the interest and duty of Republicanism, not merely to terminate its political career, but to shake off, unmistakably, every appearance of fellowship with its unfruitful works."

As to the political wisdom of Julian's position there can be little question. It is true that in 1857, the Northern trend was strongly anti-slavery. In 1856 the Methodist Church North had strengthened its anti-slavery position by declaring for the exclusion of slave owners, and the Know Nothings themselves had split on the question. At their National

<sup>34</sup> *Life of Morton*, pp. 61-2.

Convention, at Philadelphia, in February, the platform, adopted under Southern influence, upheld the compromise measures of 1850 and the fugitive slave law; and after attempts to change this, most of the Northern delegates left. The convention then nominated Millard Fillmore for president and Andrew Donelson of Tennessee for vice president. The seceders held a convention and nominated Fremont and Wm. F. Johnston. In the campaign the main faction were known as "Fillmore men" or "South Americans." But the trend against slavery was not to anything like the point that Julian wanted, for he advocated Abolitionism, out and out, and Indiana could never have been carried on that basis. His desire for an anti-slavery paper, in Southern Indiana, meant an abolition paper, for the Madison Courier, edited by M. C. Garber, one of the ablest papers in the State, had announced, on March 5, 1856, its willingness to "wipe out, as with a sponge, for the present, all lesser and side issues, and unite for one special object, that object to be Freedom—opposition to the further extension of human slavery." Garber was one of the most active and influential of the organizers of the new party. He was sacrificing his own views to some extent; and indeed so were the Know Nothings, so far as that is concerned, for the stand of the convention was far short of their demand for twenty-one years residence for naturalization. There is scant room for doubt that Morton's plan was the sane one for building up a new party. The recruits had to come from various sources, and were held together only by a common antipathy to the Democratic party, but an antipathy based on various and to some extent conflicting reasons.

It is also true that the Republican National Conventions of 1856—there were two of them—went farther on the slavery question than the Indiana convention, but they did not go so far as Julian. Indiana's part in these conventions is of historical interest. Mr. Foulke says: "The appointment of delegates was of course informal. They were in part self-constituted, in part sent by various self-appointed meetings and conventions of Republicans in the different states. Wayne county took an active part in the movement, and a meeting of citizens was held at Richmond on February 18, at which resolutions were unanimously adopted that the exclusion of slavery from territory now free was the paramount issue, and the common ground on which all could unite. The resolutions appointed Oliver P. Morton, Rev. Thomas A. Goodwin and William Grose delegates to the convention."<sup>25</sup> A contemporary account of this Richmond meeting, in the *Jeffersonian*, the Democratic paper of that city, says: "It was composed of a few busy Know Nothings, who,

<sup>25</sup> *Life of Morton*, p. 44.



Old Brown Home  
Station on the Underground Railroad

without any public notice having been given, stealthily came together in the Mayor's office." The resolutions themselves do not purport to be the action of a Republican assembly, but begin: "At a meeting of the citizens of Richmond, on Monday evening 18th inst. in the Warner building, John Finley, Mayor, was called to the chair." The appointing resolution reads: "Resolved, That we take great pleasure in recommending the Hon. Oliver P. Morton, Rev. Thomas Goodwin, and William Grose Esq. to the favorable consideration of the Convention to assemble at Pittsburgh on the 22nd day of February inst., and would say that full faith and credit may be given to their acts, as members of said Convention, on behalf of Indiana." The printed reports of the Convention show, however, that George W. Julian was not only a delegate to the Convention from Indiana, but was one of the Vice Presidents, and chairman of the Committee on Organization, and was the only Indiana delegate called to the floor for a speech. Oliver P. Morton was a member of the Platform Committee. In the telegraphic dispatches that reached the Indiana papers, giving an account of the Convention, Julian was the only Indiana man mentioned. Commenting on this, the *Jeffersonian*, which pronounced the Pittsburgh Convention a "regular Free Soil, or Abolition concern," said: "Our K. N. friends in this section will perhaps be surprised, certainly not a little chagrined, to find the man whom they have so long been doing their utmost to crush or ignore, the only man from Indiana who was prominently recognized in a National Convention of what they assert to be their party (the Republican). We see no mention made of any other delegates from this state. Others however were there—Hon. O. P. Morton, at any rate, having duly received his 'credentials' from the Know Nothing conclave at the Mayor's office, sped on his way, fully expecting, by the aid of these irresistible documents, to annihilate Julian and his influence. That is the last we have heard of him. What must have been the poor man's surprise, on arriving at Pittsburgh, to find such great men as Judge Perry and W. T. Dennis wholly unknown and unheard of—and that he whom the burlesque free soilers call 'Julian the Apostate' was the only 'Republican' whose name had traveled over the mountains."<sup>26</sup> The only delegates in attendance from Indiana were William Grose, George W. Julian and Oliver P. Morton.<sup>27</sup>

In accordance with the call, the Pittsburgh Convention provided for a nominating convention, to be held at Philadelphia, on June 17, the anniversary of the Battle of Bunker Hill. To this convention the delegates were selected at the State Convention on May 1, the Congressional

<sup>26</sup> *Jeffersonian*, Feb. 28.

<sup>27</sup> Howe, *Political History of Secession*, p. 286.



districts electing and reporting their delegates, and the Convention electing Henry S. Lane, John D. Defrees, and William McKee Dunn as delegates at large, with J. W. Wright, Godlove S. Orth and Charles H. Test as alternates. Indiana fared well in the National Convention. Lane was made president, Test was on the Committee on Credentials, Defrees on the Committee on Platform, John Beard was a Vice President, and Caleb B. Smith addressed the Convention. Henry Smith Lane here acquired national celebrity. He was born in Montgomery County, Kentucky, February 11, 1811, a son of James Harding Lane, an early Indian fighter and militia colonel. He had a very fair education, but his ability both as an orator and a thinker was a natural gift. He began the study of the law in 1829, and was admitted to the bar in 1832. He was an admirer of Henry Clay, but did not like slavery. In October, 1831, when only twenty years of age he made a striking address to the Colonization Society of Bath County, Kentucky, in which he said: "The history of all times admonishes us that no nation or community of men can be kept in slavery forever; that no power earthly can bind the immortal energies of the human soul; and however unpleasant the reflection may be, it is nevertheless true that we must free our slaves, or they will one day free themselves. Perhaps they may soon rise in their might and majesty of freemen and cast their broken chains at their feet with a mighty effort, which will shake this republic to its center. The light of history shows us that men determined to be free cannot be conquered." In 1835 he left Kentucky, and located at Crawfordsville, where he practised law until 1854, when he engaged in the banking business with his father-in-law, I. C. Elston. There were some breaks in his practice, however. In 1837 he was elected to the legislature, as a Whig. In 1840 he was elected to Congress, to fill the vacancy caused by the resignation of Tilghman A. Howard, who was running for Governor, defeating Edward A. Hannegan. In 1841, he was reelected, defeating John Bryce. He was an ardent supporter of the Mexican War as a public speaker, and also raised a company for the First Regiment. At the organization of the Regiment he was made Major, and was later promoted Lieutenant Colonel. He made an unsuccessful race for Congress in 1849 against Joseph E. McDonald, and affiliated with the People's Party in 1854.

Though known all over Indiana as a speaker, in 1856, he was little known outside of the State. In his report of the Convention, the correspondent of the Cincinnati Commercial said: "H. S. Lane, of Indiana, was chosen the permanent Chairman of the Convention. He was conducted to the chair, and stood forth on the platform—a man about six feet high, marvelously lean, his front teeth out, his complexion between a sun blister and the yellow fever, and his small eyes glistening like those

of a wildcat. He 'went in' and made the most astonishing speech ever heard in these parts. The New Yorkers, near whose delegation I sat, were first amazed, and then delighted, and throughout excessively amused and warmed up. They said, as he would fling his arms in wild gesticulation, and utter the most impassioned and swelling sentences, snacking his fists horribly at the close of every emphatic period, 'bringing down the house' every lick in a tremendous outburst of screams; huzzas and stamping—'Western all over.' But he stirred the multitude as with a thousand sharp sticks, and if he don't have a national reputation soon, it will not be because he does not deserve it, having fairly won that much celebrity. Taken all in all, the speech made a good impression. Then the orator continued his 'Westernisms', as the Eastern men called them, filled his mouth with tobacco, placed one leg over the table behind which he was seated, and put the votes and made his decisions in the most off-hand style imaginable, without rising, and infusing into everything a spirit of a peculiar humor that was irresistible." The success of Lane at the Convention put him at the front of the new party in Indiana, and this was a godsend to the anti-Julian forces, as it gave them a leader whose anti-slavery standing was unimpeachable, and who ranked as high as Julian himself.

In his Raysville speech, Julian made one fatal error. Because the Philadelphia platform adopted the clause of the Declaration of Independence as to the equality of men, he argued that it declared for the total abolition of slavery. He asserted that our forefathers "did not dream of permanently uniting such antagonistic elements as slavery and freedom under the Constitution", and declared: "I go for the policy of our fathers. Like them, I am for the extinction of slavery.

- • • Slavery must be abolished, and we must not be ashamed to avow this as our ultimate purpose as members of the Republican party.
- • • The Philadelphia Platform, unlike those adopted at Buffalo and Pittsburg, does not avow the doctrine of non-interference by the General Government with slavery in the States. • • • Its framers did not foresee exactly the course of future events, and therefore could not prepare any precise policy in advance. • • • But they virtually proclaimed war against the institution, and the determination to rescue the nation from its power. • • • I accept it, because I think I can stand on it and preach from it the whole anti-slavery gospel.
- • • I accept it, because it deals in no negatives, does not apologize to the slaveholder, nor cravenly remind him of any constitutional guarantees in favor of his system. I accept it, because, as I understand it, the ultimate banishment of American slavery is deemed by it necessary to the well-being if not the life of the nation, and must be

steadily prosecuted till it shall be accomplished. Let us speak this plainly in the ear of our brethren of the South. • • • Instead of deprecating radical measures, disavowing 'abolitionism', and fulsomely parading our devotion to the Union, let us declare ourselves the unqualified foes of slavery in principle, and make good the declaration by the same boldness of action and uncalculating directness of policy which make the politicians of the South, in this respect, our fit example. Let us tell them in point-blank words that liberty is dearer to us than the Union; that we value the Union simply as the servant of liberty; and that we can imagine no earthly perils or sacrifices so great that we will not face them, rather than buy our peace through the perpetual enslavement of four millions of people and their descendants. If we assure them that we love the Union, let us not fail to inform them that we mean the Union contemplated by our fathers, with the chains of the slave falling from his limbs as the harbinger of 'liberty throughout all the land, to all the inhabitants thereof,' and that only by restoring their policy, and reanimating the people with the spirit of 1776, can these states be permanently held together. With equal frankness let us tell them that we do not love the Union so dearly prized by modern Democracy, with James Buchanan as its king, and Chief Justice Taney as its anointed high-priest; and that at whatever cost we will resist its atrocious conspiracy to establish, on the ruins of the Republic, the hugest and most desolating slave empire that ever confronted heaven since the creation of man."

The people of Indiana held no such sentiments. They were not ready to sacrifice the Union for the abolition of slavery, or for any other possible consideration. It was their highest ideal of governmental perfection. From childhood they had been taught to love and venerate it. Devotion to it was the test of patriotism with the followers of Jackson and Clay alike. The stirring words of Webster's reply to Hayne found a responsive echo in every Hoosier breast. Any political party that had gone to the people on any such platform would have been doomed to overwhelming defeat. The idea of sacrificing the Union was repugnant even to men who were in a white heat of political passion over the 'Border Ruffians' of Kansas, the Lecompton Constitution and the Dred Scott decision. But Julian persisted in his fight, and carried it to the State Republican Convention of 1858, which was held at Indianapolis on March 4, of that year. Morton and his friends were in absolute control of the Convention. Morton himself presided; and by rule, all resolutions went to a reliable platform committee for consideration. In the early stages of the Convention, Julian was called out by his friends for a speech, and advocated the affirming of the

Philadelphia platform as the platform of this Convention. His opponents saw the trap. If this were done, under the circumstances, it meant adopting Julian's construction of the Philadelphia platform. To refuse to adopt the Philadelphia platform looked like a repudiation of the National party. To debate the meaning of the Philadelphia platform would be a confession of party weakness and uncertainty that would handicap the campaign. The preliminary debate was confined pretty closely to the expediency of interfering with the work of the platform Committee. The Committee brought in its report, but it did not mention the Philadelphia platform. It was confined to the question of slavery in the territories, and the aggressions of the slave power. When the platform was reported, W. C. Moreau of Shelby County, moved to strike out the portions referring to slavery, and insert the words of the Philadelphia platform. Moreau was a Southern bohemian, who, in 1855, purchased *The Weekly Chronicle*, published at Centerville by R. J. Strickland, and G. W. Smith, and changed its name to the *True Republican*. This was later bought by Isaac Julian, removed to Richmond, and consolidated with a paper started by two printers on the Palladium, Calvin R. Johnson and Sewell R. Jamison, bearing the minutely descriptive title of *The Broad Axe of Freedom and Grubbing Hoe of Truth*. He engaged in newspaper enterprises at various points, and had some reputation as a speaker. Soon after the outbreak of the Civil War he was commissioned Captain of Company I of the Forty-Fifth Indiana (Third Cavalry), but resigned September 13, 1861. He was recommissioned June 28, 1863, and dismissed January 1, 1864. He had at one time a shooting "serape" with Judge Dykeman, of Logansport. Later he became a preacher, and went South. He was shot and killed in Georgia. Morton ruled Moreau's motion out of order as the proposition had not been referred to the Platform Committee, under the rules. Moreau appealed from the decision of the chair, and Samuel W. Parker moved to lay the appeal on the table, which was carried by a large majority. But the theory that a rule for the reference of resolutions to the Committee precluded the amendment of the reported platform by the Convention was not relished by some of the delegates. Reuben A. Riley, of Hancock, (father of James Whitcomb Riley) took the floor, and, as reported by the *Journal*, "He said he adhered to his principles against all influences, and he could not be sold out to anybody. He was not in the market. The resolutions he regarded as an abandonment of the principles of the party, and he never would yield to such a step." Things began to look squally, and the Convention was in great confusion. Henry S. Lane and William McKee Dunn, both of whom were members of the Platform Committee,

as well as having been delegates to the Philadelphia Convention, successively took the floor, and defended the platform. They said it stated the substance of the Philadelphia platform, with such changes as were made necessary by the changed conditions of the past two years. Moreau made another plea for the reiteration of the Philadelphia platform, for which he expressed profound attachment. While he was



HENRY SMITH LANE

speaking, Riley went to the Clerk's desk, examined the resolutions, and brought them to Moreau, apparently trying to satisfy him that they were all right, while the Convention cheered wildly. When Moreau had finished, Riley took the stand, and said that "after examining the resolutions he was satisfied that he had misunderstood them. (Great cheering.) He then read them to the Convention, and remarked that they seemed strong enough for any Republican."

Julian tried to stem the ebbing tide. He addressed the Convention,

bitterly denouncing the management for trying to suppress the sentiment of the delegates by "gag law." He presented his interpretation of the Philadelphia platform, and contrasted it with the proposed platform, which he characterized as "a milk and water affair." When he had finished, Morton called Godlove S. Orth to the chair, and replied to Julian with that political adroitness in which he was a master. He dismissed the personal attack on himself with the statement that he "had obeyed the rules adopted by the Convention." He then said that objections had been made to the platform because it did not reaffirm the words of the Philadelphia platform. "What did we care for adherence to any form or set of words? If we declared in substance that was enough. Mr. Julian, who insisted on following the words of the Philadelphia platform, would probably refuse to pray if he could not find some old form to pray in. (Laughter.) 'He reminds me,' said Mr. Morton, 'of an Episcopalian clergyman who was sent for to pray for a man who had been bitten by a rattlesnake. He looked through his prayer book, and refused to go because the book contained no form of prayer for snake-bite. (Great applause and laughter.) The men at Philadelphia made their own platform. They were men of sense and they could act for themselves. They did not hunt for a form in some platform of 1854, or '52, or '48, but they made just such a one as suited the present case. And why shouldn't we do so too? (Great applause.) Mr. Morton's speech was a settler so far as this question was concerned. When he was done, Mr. Orth came forward and put the question, 'Shall the resolutions as reported by the committee be adopted?' The vote in the affirmative was a tremendous shout. Someone said it was not worth while to put the other side. But Mr. Orth put the negative, and some five or six voices responded 'No.' So the platform was adopted almost unanimously. The result was greeted with long and hearty cheering, kept up for several minutes."<sup>38</sup>

In reality Morton's construction of the rules was elastic, for in a few minutes he entertained a motion by Theodore Hielscher for an additional resolution condemning the State Bank for refusing to pay local taxes—its charter provided a special tax on stock in lieu of all other taxes—which was adopted by the Convention without any suggestion of reference to the Platform Committee. But in reality the Free Soilers had no ground for complaint of the platform, which was devoted almost exclusively to the slavery question, on national lines, with scant mention of State affairs. The planks on naturalization and prohibition, which had been put in previous platforms for the benefit

<sup>38</sup> Journal, March 5, 1858.

of the Know Nothings and the Temperance men, were omitted entirely, and these subjects were not mentioned. The reason for this was obvious. Early in the session Theodore Hielscher was called on for a speech. He said there were 40,000 German votes in this State of which not five hundred would support the Lecompton Constitution. "There had been three German papers that had supported Mr. Buchanan, but not one of them would support him now." He thought that the Republican party was "the party of the free white laborer", and he "spoke at some length of the duty of the North, and the necessity of firm resistance to the demands of slavery." Now, as to German affairs, Hielscher was one who spoke with authority, and not as the scribes. He was prominent among leaders of German thought, a school teacher, and editor of the *Freie Presse*. Moreover he was an active member of the *Freimaennern Verein*, a German-American organization for combatting "illiberality" in all forms, including slavery, prohibition and Christianity, which held a convention at Indianapolis in 1854, and declared itself on that occasion, with Abolition frankness. He was also a prominent member of the *Bund der Tugenhaften* (League of the Virtuous), a German secret society, which was in general devoted to everything "made in Germany." A German contemporary, who did not approve of Hielscher, had referred to him as "that fool Hielscher"; and thereafter, the *Sentinel* never referred to him by any other title. The Know Nothings in the Convention adopted Pettit's theory that when the foreigners voted with them, they were patriots; and the Temperance men could not find heart to offend the Germans, when they were all right on the Kansas question, just because they wanted their beer. Chase away 40,000 reliable voters! Perish the thought. The truth is that in 1858 the Republican party was practically a unit for the first time, and it was a unit on the slavery question. The only practical result of Julian's effort was that he succeeded in getting himself disliked at the very time when the Republican party was coming his way at full speed; and he would probably have realized this fact if he had not been blinded by his antipathy to Morton. As a matter of fact, in 1858 the Republican party in Indiana came much nearer taking the ground that it subsequently held, than it did in 1854 or 1856. The majority against it in the election of that year was only 2,500.

The country was now getting near to the parting of the ways. The process of division had been going on for more than a decade. Following the split in the Quaker and Methodist churches on the slavery question, there had been one in the Baptist church in 1845. The New School Presbyterians held together until 1858, when they had a division. None of the churches split geographically, on Mason and Dixon's

Line except the Methodists. The only political organization that had survived was the Democratic party, and it had lost numerous members to the new Republican party. In Indiana the first manifestation of a formal split in its ranks was in the Fall of 1858, when, following the triumph of Douglas in Illinois, his Indiana adherents, commonly known then as anti-Lecompton Democrats, held a jollification meeting at Indianapolis on November 18. They denounced Buchanan, and repudiated Senator Bright. The principal speaker was John G. Davis, and he won applause by the declaration that, "Any candidate nominated for the Presidency in 1860 that takes the ground that the Constitution carries slavery into the territories without local law, cannot carry a single township north of Mason and Dixon's Line." This was the first open revolt against the authority of Jesse D. Bright, aside from mere personal rebellions, that had occurred. Jesse David Bright was born at Norwich, New York, December 18, 1812. In 1820, his father, David J. Bright, came to Madison, Indiana, where he operated a hat manufactory for many years. Jesse obtained a fair education in the Madison schools; read law; and was admitted to the bar in 1831; and became probate judge in 1834, although Jefferson was a Whig County. In 1836 the Whigs nominated Williamson Dunn for senator in Jefferson County. He was an excellent, and strong man, but a very strict Presbyterian, and extreme on Sunday observance. The liberals brought out Shadrach Wilber, a Whig, as an independent candidate, and the fight between the two waxed warm. Bright saw an opportunity, and came out as a Democrat, and was elected. He at once took rank as a leader, and in 1841 was appointed U. S. Marshal for Indiana. In 1843 he was elected Lieutenant Governor, and the legislature elected him U. S. Senator to succeed Albert S. White. He was re-elected in 1850, as before mentioned. In 1856 the Republicans had a majority in the senate, and refused to meet in joint session. The Democrats had set an example of this kind in 1854, in consequence of which no successor was elected to Senator John Pettit, whose term expired in 1855, and the State had but one Senator for two years. In 1856 the Democrats had a majority of the entire legislature, and Ashbel P. Willard, who had been elected Governor, was Lieutenant Governor. They submitted the problem to a committee of three lawyers, Samuel Perkins, James Hughes and Joseph W. Chapman, who decided that they could legally act in joint session. On February 2, 1857, Willard and the Democratic Senators met with the House, by invitation, and canvassed the vote for Governor and Lieutenant Governor, declaring Willard Governor and Abram Adams Hammond, Lieutenant Governor, they having been clearly elected. On February 4, Hammond and the Democratic



Senators again met with the House and elected Bright and Dr. Graham Newel Fitch U. S. Senators. They received 83 votes each, the Republican members of the House refusing to vote, except two members, who voted for George G. Dunn. The House Republicans entered a protest on the journal, but the elected Senators took their seats. In 1858 the Republicans controlled the legislature; declared this election illegal;



JESSE D. BRIGHT  
(From painting)

and elected Henry S. Lane and William M. McCarty Senators. They went to Washington and claimed their seats, but the Senate refused to admit them, by a party vote, except that three Democratic Senators, Douglas, Broderick and Mason, voted to admit them. This made Bright a bitter enemy of Douglas in all future political movements, and split the party in Indiana in 1860, but the two had never been friendly. In 1852, when there was a contest between Fitch and Pettit for the sen-

atorship, Michael G. Bright wrote to a friend, "Pettit, with all his goodness, is too much identified with the Douglas faction to receive my cordial support. On the other hand, Fitch is a real gentleman—known to be right, and as true as steel."<sup>20</sup>

Michael Graham Bright was Jesse's brother, older by ten years, and was a large factor in his political strength. He was an accomplished lawyer, and a financier of no mean ability. Both were keen judges of men, and both men of strong intellect. Mr. Woollen, who was a Democrat, says of Jesse D. Bright: "He was the autocrat of his party, and ruled it as absolutely as did Governor Morton the Republican party when in the zenith of his power. Indeed, in many respects these men were alike. Both loved power and knew the art of getting it; both loved a friend and hated an enemy, and both knew how to reward the one and punish the other. \* \* \* He was imperious in his manner, and brooked no opposition either from friend or foe. Indeed, he classed every man as a foe who would not do his bidding, and made personal devotion to himself the test of Democracy. He had natural talents of a high order, but was deficient in education and cultivation. In his public speeches he was a frequent violator of grammar and logic, but his manner was so earnest and his delivery so impressive, that what he said found a lodgement in the minds of his hearers. He was the Danton of Indiana Democracy, and was both loved and feared by his followers. Mr. Bright was the best judge of men that I ever knew. Indeed he seemed to have an intuitive knowledge of men and their thoughts. \* \* \* He never conciliated; he demanded absolute obedience; he permitted no divided allegiance. \* \* \* In the Senate of the United States Mr. Bright did not rank high as a debater, but he was good at committee work, and won and maintained a respectable standing. He was popular with the Senators, and enjoyed their personal friendship. \* \* \* Such was his standing that on the death of Vice-President King, in 1853, he was elected President *pro tempore* of the Senate. He filled this office until the inauguration of John C. Breckenridge, in 1857, and thus stood for four years within one step of the Presidency. While President of the Senate he did not assign Sumner, Chase and Hale to places upon the committees, and when asked his reason for failing to do so, replied: 'Because they are not members of any healthy political organization.' He did not see the seeds of the great Republican party which were then sprouting and about to burst through the ground. In 1857, when forming his cabinet, President Buchanan offered Mr. Bright the secretaryship of State,

<sup>20</sup> Woollen's Sketches, p. 454.

which office he declined. \* \* \* He owned a farm in Kentucky, well stocked with negroes, and was thus identified with the South by interest as well as feeling. \* \* \* A Senator from a free State, he was the owner of slaves; and a representative of Indiana, his largest material interests were in Kentucky. During most of the time for many years he lived at Washington and in Kentucky in the midst of slavery. So it is no wonder he became politically permeated with the virus of that abominable institution."<sup>40</sup> It is noteworthy that Senator Turpie, who succeeded Bright when he was expelled from the Senate in 1861, gives no statement of his opinion of Bright in his reminiscences, although he does give estimates of nearly every man of any prominence in the State in his time. This may have been due to his rather strict observance of the rule of *de mortuis nil*, or because he was too ardent a Democrat to make any reflection on a man who had been so prominent in his party. They were not friends, personally or politically.

Bright drank the pro-slavery cup to its dregs, and continually lost strength in Indiana by so doing. The last straws were his warm support of Buchanan in his war on Douglas, and his adoption of the extreme Southern position on the Kansas question. He not only maintained the full authority of Congress over the government of the Territory, but pronounced allowing the people entire freedom to adopt a constitution to be vicious in principle. Such doctrine as that could not be swallowed by men of Indiana of any party. If State Sovereignty did not mean even the right of local self-government, it was a barren idealism for all purposes but the extension of slavery. If there was any governmental doctrine that commanded universal assent in Indiana, it was the right of freemen to govern themselves.

On the other hand, Dr. Fitch always retained his popularity with all factions of the Indiana Democrats, and deservedly so. Turpie was one of his warm admirers.<sup>41</sup> He was born at Leroy, Genesee County, New York, December 5, 1809. His grandfather was a Revolutionary soldier, and his father served in the War of 1812. He received a classical education at Middlebury and Geneva, N. Y.; studied medicine at the College of Physicians and Surgeons; and practiced for a time at Fairfield, N. Y. In 1834 he came to Logansport, and soon acquired more than local standing in his profession. He was on the faculty at Rush Medical, Chicago, from 1844 to 1849, and of the Indiana Medical from 1878 to 1883. He would no doubt have been better known as a physician but for his political employment. He was elected to the

<sup>40</sup> Woolen's Sketches, pp. 223-9.

<sup>41</sup> Turpie's Sketches of My Own Times, p. 179.

legislature in 1836 and 1839; to Congress in 1849 and 1851; and was Presidential Elector in 1844, 1848 and 1856. At the close of his Senatorial term, March 3, 1861, he returned to his practice at Logansport; but he could not remain a bystander in the great struggle, although past military age. Says Turpie: "During the Civil War Fitch was authorized to raise a regiment, the Forty-sixth Regiment of Indiana Volunteers, which he subsequently commanded in the field. His recruits were gathered by a public canvass made by him in his own and adjoining counties. Several times I accompanied him in this canvass and spoke from the same stand. His account of the beginning, course and termination of the movement of secession was the most highly finished and thoroughly wrought-out discussion of that topic I have ever heard. His exhortation to the sons of Indiana in behalf of the Union and the constitution was irresistible. His regiment was rapidly filled by volunteer enlistments to its full complement. Our young men were anxious to go with him." Although his service was terminated in a little more than a year by bad health, he had a prominent part at Ft. Pillow, Memphis and St. Charles. He resumed his practice, which was thereafter broken only by his service as a delegate to the Democratic National Convention of 1868. He died at Logansport, November 29, 1892, leaving two daughters, the wives of Hon. Charles Denby and Dr. Asa Coleman.

These Senatorial elections of 1855 and 1857 were the subjects of bitter political controversy at the time, and there was a repetition of similar obstructive tactics during the Civil War. These Indiana experiences caused the adoption of the U. S. law for the election of Senators, in 1866, which put an end to this particular form of political idiocy by making it possible for a majority of the whole legislature to elect a Senator, without reference to the action of either house alone. They also illustrate the extreme to which political feeling ran at that time, though not fully. Political interests were put higher than any other considerations, and, in their political warfare the newspapers of the time were worse than the editorial "muckrakers" of today. There is a striking illustration of this in Indiana's connection with John Brown's invasion of Virginia. The press dispatches of October 18, 1859, the day after the attack on the arsenal at Harper's Ferry, said: "Brown's chief aid was John E. Cook, a comparatively young man, who has resided in and near the Ferry for some years. He was first employed in tending a lock on the canal, afterwards taught school on the Maryland side of the river, and after a long residence in Kansas, where it is supposed he became acquainted with Brown, returned to the Ferry and married. Though he was regarded as a man of some

intelligence, he was known to be anti-slavery, but not so violent in the expression of opinions as to excite any suspicion." This attracted no public notice until October 23, when the Journal published an article stating that it was suspected that Cook was a brother-in-law of Governor Willard, and that Willard was probably an accomplice in the insurrection. It was soon learned that Cook was in fact a brother of



DANIEL W. VOORHEES

Mrs. Willard, who had left home a number of years before, and had been lost to his family ever since. Willard promptly announced this fact, and on October 26, left for Charlestown, accompanied by Daniel W. Voorhees and Joseph E. McDonald, then Attorney General of Indiana, to render what aid he could to his unfortunate relative. On October 29 the Journal returned to its charge that Willard was implicated, and said: "The effort to palliate his conduct and cover it with the disguise of family feeling only shows how evidently his sympathy with

the insurrection appears, and how important it is to hide it." For this villainous falsehood there was absolutely no excuse, except that the Democratic papers were all blaming the insurrection to the "Black Republicans."

McDonald did not speak at the trial of Cook, and the fact that he was connected with the case is almost unknown. The common Indiana idea of it is almost wholly derived from the speech of Voorhees, which was printed in full in Indiana papers, apparently for political consumption, though announced merely as a specimen of eloquence, which it unquestionably was. It was simply a plea for mercy, conceding Cook's guilt, but claiming that he was only a good-hearted young man who had been led astray by John Brown, and by the agitation of the abolitionists, naming Seward, Giddings and others, who were portrayed as the real offenders. Its only real effect was to rob Cook of a crown of martyrdom, similar to Brown's; for it did not convince the jury, as it did not exactly hinge with the evidence, and they sentenced Cook to be hanged. In reality Cook did not go to Kansas when he first left Harper's Ferry, but to Williamsburg, Pennsylvania, where he read law with John N. Stearns. Stearns, who spoke of him as a man whose "mind wandered in a land of dreams", said: "While he could not draw a complaint or a promissory note, a score of fancy verses for a lady's album would be thrown off without effort, as by intuition. The use of guns and pistols was with him a kindred passion to his poetry; as a marksman he was a dead shot. If thrown in the midst of strife and contention, he would naturally become a soldier as by the force of this passion, without personal motive or inducement, and, indeed, as against his own welfare and happiness."<sup>42</sup> About the beginning of 1856, Cook went to Kansas where, according to the New York Tribune, he "distinguished himself in the free state cause." His next record was in the following item from the Hartford Courant of September 1, 1856: "John E. Cook, Esq., a lawyer from Lawrence, Kansas, is expected in town today, and will speak at Touro Hall this evening, upon the wrongs and wants of Kansas. Mr. Cook went from Haddam to Kansas, and while there he made himself perfectly familiar with the movements of both parties. He starts for Kansas on Thursday, at the head of a brave company of men, who go prepared to defend themselves from attack, and to give the Ruffians an opportunity if they care or dare to earn the reward of eleven hundred dollars which has been offered for his scalp. We are assured that he is a brave, fearless man, and defies them. Let there be a grand rally to hear the truth."<sup>43</sup>

<sup>42</sup> Sentinel, October 31, 1859.

<sup>43</sup> Sentinel, October 27, 1859.

Anyone who harbors the impression that Brown was of sound mind, would probably have it dispelled by reading his "Provisional Constitution and Ordinances for the United States," which, with a mass of other papers that any sane conspirator would have destroyed, was captured among his effects; and which provides for a government of the nation by officials "elected by all citizens of sound mind." But in Cook's case the evidence is not so clear. On the night of October 17, after the capture of the arsenal, he led a party to the residence of Col. Lewis Washington, whom he put under arrest, and from whose place he took a carriage and a wagon, and all the arms in the house, including two pistols presented to George Washington by Lafayette, and a sword presented by Frederick the Great; and carried off twelve negroes. From there he went to the home of a farmer named Allsteadt, whom he arrested, with his son, and carried off all the negroes from this place.

The negroes do not appear to have entered into the movement very enthusiastically. Cook and two other white men escaped from the arsenal during the attack by the Virginia forces, with a part of the slaves, and took to the mountains. Shortly after, one of Col. Washington's negroes came in and reported that they were in the mountains three miles away. They were closely pursued by the militia, who were now swarming into the region, but Cook escaped out of the state, and was captured several days later near Chambersburg, Pennsylvania, while trying to secure some provisions. He was heavily armed, and nearly starved. He was surrendered to the Virginia authorities, and during his confinement in prison professed repentance and conversion, but his chief regret seems to have been that the negroes did not respond. In a letter to his wife, he said: "I gave heart and hand to a work which I deemed a noble and holy cause. The result has proved that we were deceived, that the masses of slaves did not wish for freedom. There was no rallying beneath our banner. We were left to meet the conflict all alone; to dare, and do, and die. Twelve of my comrades are now sleeping with the damp mold over them, and five are inmates of these prison walls. We have been deceived, but found out our error when too late. Those who are dead, died like brave men, though mistaken. Those who still live will not shame, I trust, their comrades who are gone."<sup>44</sup> Brown was executed on December 2, and Cook and others on December 16. On the evening of the fifteenth, he and a comrade named Coppie cut their shackles off with a saw made of a Barlow knife, and escaped from the jail through a

<sup>44</sup> Sentinel, Dec. 16, 1859.  
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hole they had made in the wall; but when they tried to get over the fence around the jail yard, they were fired on by the military guard, and driven back. During these two months the whole country was in a ferment over the case. On account of continued rumors that bodies of men were forming in the North to rescue the prisoners, about two thousand troops were assembled at Charleston, under General Taliaferro, to resist the threatened invasion. The newspapers resorted to every expedient to make political capital of the matter, and the vilification of Governor Willard became national. The Baltimore Patriot even went to the length of stating that the insurrection was the result of a cunningly devised scheme to entrap Brown. It said: "We have reliable intelligence from Washington that Governor Willard of Indiana is at the bottom of the whole affair. Cook, who is his brother-in-law, is said to have been prompted by him to inveigle the madman Brown into the net thus spread for them, with the assurance that he (Cook) should be let off scot free, if he should not escape. Willard is now at Charlestown, and Cook is to be used as state's evidence, on condition of his release."<sup>45</sup> This was followed a few days later by an announcement that Northern Democratic papers were to urge Cook's pardon on the ground of Willard's political services. It has often been said that Governor Wise made a mistake in not pardoning, or commuting the sentences of all the prisoners, but when one reads the newspapers of the time, he may find ample cause for any man's failure to give rational consideration to the possible future effects of their execution.

Willard's experience differed from that of others only in degree. The historical writer can portray almost any public man of the time as an angel of light or as a fiend incarnate, by simply quoting from opposing political papers. But Willard had not long to endure his unpleasant notoriety. In the summer of 1860, while addressing a convention at Columbus, Indiana, he had a hemorrhage from the lungs. By advice of physicians, he left his official duties and went to Minnesota in search of health. But it was too late. On October 4, 1860, he breathed his last. He was the first Governor of Indiana to die in office, and thousands came to pay homage as his remains lay in state at Indianapolis, and regret the strange injustice that had come to him. But this was but a lull in the storm of political vituperation, for another heated campaign was in progress. And yet the issues of the campaign of 1860 were not nearly so pronounced as in previous years. The Democratic party, in its State convention on January 12, indorsed Buchanan's administration, and somewhat inconsistently adopted the

<sup>45</sup> Sentinel, November 5, 1859.



Douglas position on slavery in the territories, and indorsed Douglas for the presidency by a large majority. They came out strong on John Brown, with a resolution that, "We regard the recent outrage at Harper's Ferry as a crime not only against the State of Virginia, but against the Union itself; and we hereby reprobate and denounce the crime and the treason." The Republican State platform of February 22 was



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almost as explicit, declaring, "That we are opposed to any interference with slavery where it exists under the sanction of State law; that the soil of every state should be protected from lawless invasion from every quarter, and that the citizens of every state should be protected from illegal arrests and searches, as well as from mob violence." The national Republican platform also said: "We denounce the lawless invasion by an armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes." The most

pronounced issue as to slavery was on the principles of the Dred Scott decision, the Republicans denouncing it, and the Democrats pledging themselves to abide by the decisions of the Supreme Court in constitutional matters. The Republicans cut away from Know-nothingism, with a resolution, "That we are in favor of equal rights to all citizens, at home and abroad, without reference to their place of nativity, and that we will oppose any attempt to change the present Naturalization Laws." The Dred Scott decision was generally unpopular in the State, and would have been much more so if it had been known then, as has recently been demonstrated by Judge Howe, that Buchanan was not only informed of the decision in advance, for political purposes, but also had used his influence to secure the decision.<sup>46</sup>

This campaign was the battle of the giants, in Indiana. The Democrats nominated Thomas A. Hendricks for Governor, and David Turpie for Lieutenant Governor; the Republicans Henry S. Lane for Governor, and Oliver P. Morton for Lieutenant Governor. Turpie says: "These four persons, in the campaign that followed, in respect to the offices for which they were named, made only a tentative canvass—such was the understanding in both parties. If the Republicans carried the state Mr. Lane was to be elected to the Senate, Mr. Morton succeeding to the governorship; if our party prevailed similar changes were to be the result. The election in October carried out in part this arrangement. Mr. Lane was selected United States Senator. The future in some degree carried it still further. All four of these candidates upon the state tickets of 1860 became senators in this order of service: Lane, Turpie, Hendricks, Morton. On this same ticket were the names of two other persons, opposing candidates for reporter of the supreme court—Mr. Michael C. Kerr and Mr. Benjamin Harrison. The first named was afterward chosen speaker of the House at Washington, and died while holding that great position. Mr. Benjamin Harrison, twenty-eight years afterward, was elected to the presidency. It would thus seem that these candidates of both parties upon the state ticket in 1860 were composed of a material somewhat durable; the loom of time wove for them garments of diverse figures, but of a lasting texture."<sup>47</sup> But these were not the only celebrities in the campaign. In the Fourth District William S. Holman won another term in his long record of over thirty years in Congress. In the Fifth, Julian, who had been shut out for one term by Judge David Kilgore, came to his own again with a majority of 4,736, the largest in the State. In the Fourth, Albert G. Porter, afterwards Governor and Minister to Italy, was

<sup>46</sup> Political History of Secession, pp. 331-345.

<sup>47</sup> Sketches of My Own Times, pp. 183-4.

elected. In the Seventh, Daniel W. Voorhees, who had in all a service of nine years in the House and twenty years in the Senate, was victorious. In the Ninth the successful candidate was Schuyler Colfax, later Speaker of the House and Vice-President of the United States. There were other notables all along the line, as may be judged from the fact that the four Republican candidates for Delegates at Large



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were Wm. T. Otto, afterwards Reporter of the U. S. Supreme Court; Pleasant Adams Hackelman, later Brigadier General, and killed while trying to rally his troops, on October 3, 1863, at the Battle of Corinth; Daniel D. Pratt, U. S. Senator from 1869 to 1875; and Caleb B. Smith, Secretary of the Interior under Lincoln, and U. S. Circuit Judge for Indiana. The campaign was largely conducted in joint debates, Lane and Hendricks, Morton and Turpie, and so on down the line. There was no formal split in the Democratic party in Indiana as to the State

ticket, but Turpie says that signs of disaster were plainly visible before the election, in the defection of Democrats to the Republican ranks, especially in the northwestern part of the State. The Republicans were victorious at the October elections, Lane's majority over Hendricks being 9,757, and Morton's over Turpie, 10,178. In the November election the vote was Lincoln, 139,013; Douglas, 115,166; Breckenridge, 12,295; Bell, 5,339; and Gerritt Smith, 5. This vote is the most conclusive test of Indiana sentiment on the slavery question that exists. The Breckenridge vote presents the total of those who sympathized with the Southern view of slavery. Although in a general way it was chiefly in the Southern part of the State, it was, in fact, very widely scattered. There were but six counties in the State in which the Breckenridge vote reached 500, and they were Boone, 649; Daviess, 529; Jefferson, 564; Lawrence, 530; Posey, 523; and Warrick, 816. Lincoln carried all of these counties but the last two. The vote in Posey was Lincoln, 1,055; Douglas, 1,128; and in Warrick, Lincoln 745; Douglas, 784. In other words, Breckenridge carried only one county in the State, and his total vote there was but little more than one-third of the total vote. In Posey his vote was less than one-fifth of the total vote.

The agreement between Lane and Morton that Lane should go to the Senate, and leave Morton Governor, had been made at the State convention of 1860. Foulke says: "Morton undoubtedly expected the nomination. But certain supposed considerations of expediency finally turned the sentiment in favor of Lane. Friends of both candidates proposed the following arrangement, if the Republicans carried the legislature, Lane should go to the Senate, and Morton would then succeed to the office of Governor. But this plan was not satisfactory to Morton. He would rather go to the Senate himself than become Governor, and if he took the lower place on the ticket, ought he not to have the choice? But it was determined otherwise. \* \* \* Morton at last determined to make the sacrifice, for such it then seemed to be." He further says that Thomas H. Nelson, of Vigo, in nominating Morton, said that "it was not the place his friends had wished for him", and himself adds: "This nomination to the second place was undoubtedly a disappointment to Morton." There is a tradition that this arrangement was first suggested by John Beard, of Montgomery, the man who moved the provision that gave Indiana the greater part of her school fund. If so, he also gave Indiana her War Governor. The arrangement was carried out without a hitch. The legislature met on January 14, 1861, and Lane and Morton were inaugurated. On the 16th Lane was elected to the Senate, and resigned

as Governor. Morton was at once sworn in as Governor, and the stage of Indiana was set for the drama of the Civil War.

The brief unexpired term of Governor Willard, from October, 1860, to January, 1861, was filled by Abram Adams Hammond, Lieutenant Governor. He was a native of Vermont, born at Brattleboro, March 21, 1814. His parents, Nathaniel and Patty (Ball) Hammond, moved



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to Brookville, Indiana, when he was five years old, and he grew up there, receiving the education of the common schools. He read law with John Ryman, a noted lawyer of that place, was admitted to the bar, and in 1835 opened an office at Greenfield. In 1840 he removed to Columbus, and while there was elected prosecuting attorney for the circuit, a position which he filled with ability. In 1846 he removed to Indianapolis, and the next year to Cincinnati, where he remained until 1849, and then returned to Indianapolis. In 1850 the Court of Com-

mon Pleas was created, and Mr. Hammond was elected the first Judge of this court in Marion County. In 1852 he resigned this office, and went to San Francisco, where he formed a partnership with that remarkable legal genius, Rufus A. Lockwood, a sketch of whose extraordinary life appears elsewhere in this work. He returned to Indiana, and in 1855 located at Terre Haute, where he was a partner of Thomas H. Nelson, later U. S. Minister to Mexico. His nomination in 1856 was of an unusual character. He had been a Whig but had not taken an active part in politics. On the disintegration of the Whig party, many of its members came over to the Democrats, and among them Hammond. In 1856, the Democrats had nominated John C. Walker for Lieutenant Governor, and after his nomination it was discovered that he was not of constitutional age for that office. The Democratic State Central Committee, desiring to recognize the old Whig element, and Judge Hammond being the most prominent man connected with it in Indiana, he was put on the ticket, and elected. He sent but one message to the legislature, and it was marked by a recommendation for the establishment of a house of refuge for juvenile offenders, but this was not adopted by the legislature. Soon after leaving office, Governor Hammond's health gave way, and in 1874, after trying various medical remedies, he went to Colorado, to try the climatic cure. He died there on August 24, 1874.

